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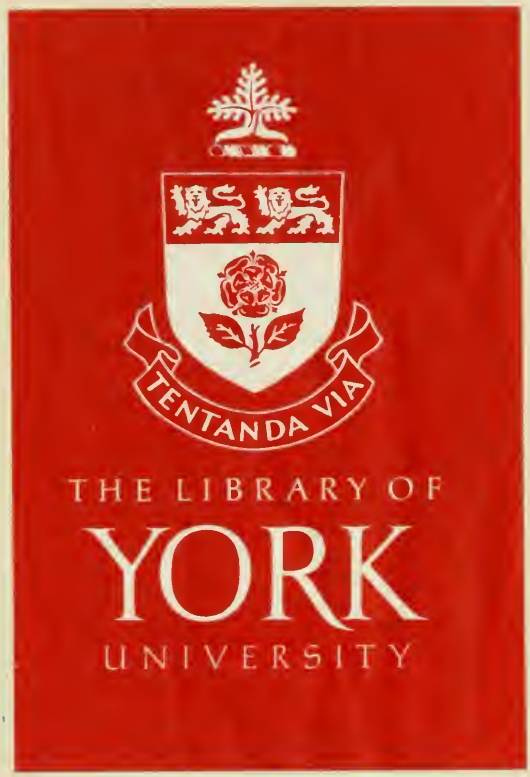
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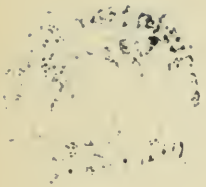


SESSIONAL PAPERS

VOL. XLVIII.—PART XIII.

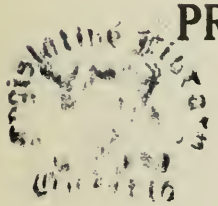
SECOND SESSION

OF THE

FOURTEENTH LEGISLATURE

OF THE

PROVINCE OF ONTARIO



SESSION 1916

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1916

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TORONTO

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No. 2 Estimates—Supplementary, for the service of the Province for the year ending 31st October, 1915-16. Presented to the Legislature, March 7th, 1916. *Printed.* Further Supplementary. Presented to the Legislature, April 4th, 1916. *Printed.* Estimates for the year ending 31st October, 1916. Presented to the Legislature, April 11th, 1916. *Printed.*

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No. 5 Report of the Inspector of Division Courts for the year 1915. Presented to the Legislature, March 15th, 1916. *Printed.*

No. 6 Report of the Inspector of Legal Offices for the year 1915. Presented to the Legislature, March 21st, 1916. *Printed.*

No. 7 Report of the Inspector of Registry Offices for the year 1915. Presented to the Legislature, March 28th, 1916. *Printed.*

No. 8 Report of the Provincial Municipal Auditor for the year 1915. Presented to the Legislature, April 18th, 1916. *Printed.*

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No. 11 Report of the Registrar of Friendly Societies' transactions for the year 1915. Presented to the Legislature, March 17th, 1916. *Printed.*

No. 12 Loan Corporations—Statements made by Building Societies, Loan Companies and Loaning, Land and Trust Companies, for the year 1915. Presented to the Legislature, March 17th, 1916. *Printed.*

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No. 13 Report of the Department of Public Works for the year 1915. Presented to the Legislature, March 21st, 1916. *Printed.*

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No. 15 Report on Highway Improvement for the year 1915. Presented to the Legislature, April 5th, 1916. *Printed.*

No. 16 Report of the Bureau of Labour for the year 1915. Presented to the Legislature, April 17th, 1916. *Printed.*

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No. 20 Report of the Registrar-General upon Births, Marriages and Deaths for the year 1915. Presented to the Legislature, March 9th, 1916. *Printed.*

No. 21 Report of the Provincial Board of Health for the year 1915. Presented to the Legislature, March 2nd, 1916. *Printed.*

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No. 23 Report upon the Hospitals for Idiots and Epileptics at Orillia and Woodstock for the year 1915. Presented to the Legislature, April 19th, 1916. *Printed.*

No. 24 Report upon the Feeble-Minded in Ontario for the year 1915. Presented to the Legislature, March 24th, 1916. *Printed.*

No. 25 Report upon the Hospitals and Charities of the Province for the year 1915. Presented to the Legislature, April 13th, 1916. *Printed.*

No. 26 Report upon the Prisons and Reformatories of the Province for the year 1915. Presented to the Legislature, April 11th, 1916. *Printed.*

No. 27 Report upon the Neglected and Dependent Children of the Province for the year 1915. Presented to the Legislature, April 12th, 1916. *Printed.*

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No. 30 Report of the Ontario Agricultural College and Experimental Farm for the year 1915. Presented to the Legislature, April 17th, 1916. *Printed.*

No. 31 Report of the Ontario Veterinary College for the year 1915. Presented to the Legislature, April 19th, 1916. *Printed.*

No. 32 Report of the Agricultural and Experimental Union for the year 1915. Presented to the Legislature, April 17th, 1916. *Printed.*

No. 33 Report of the Corn Growers' Association for the year 1915. Presented to the Legislature, April 14th, 1916. *Printed.*

No. 34 Report of the Vegetable Growers' Association for the year 1915. Presented to the Legislature, April 17th, 1916. *Printed.*

No. 35 Report of the Bee-Keepers' Association for the year 1915. Presented to the Legislature, April 14th, 1916. *Printed.*

No. 36 Report of the Entomological Society for the year 1915. Presented to the Legislature, April 17th, 1916. *Printed.*

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No. 38 Report of the Live Stock Branch of the Department of Agriculture for the year 1915. Presented to the Legislature, April 17th, 1916. *Printed.*

No. 39 Report of the Stallion Enrolment Board for the year 1915. Presented to the Legislature, April 14th, 1916. *Printed.*

No. 40 Report of the Farmers' Institutes of the Province for the year 1915. Presented to the Legislature, April 18th, 1916. *Printed.*

No. 41 Report of the Women's Institutes of the Province for the year 1915. Presented to the Legislature, April 14th, 1916. *Printed.*

No. 42 Report of the Agricultural Societies of the Province for the year 1915. Presented to the Legislature, April 17th, 1916. *Printed.*

No. 43 Report of the Horticultural Societies for the year 1915. Presented to the Legislature, April 17th, 1916. *Printed.*

No. 44 Report of the Fruit Growers' Association of the Province for the year 1915. Presented to the Legislature, April 17th, 1916. *Printed.*

No. 45 Report of the Bureau of Industries for the year 1915. Presented to the Legislature, April 17th, 1916. *Printed.*

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No. 48 Report of the Hydro-Electric Power Commission for the year 1915. Presented to the Legislature, April 7th, 1916. *Printed.*

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No. 49 Report of the Ontario Railway and Municipal Board for the year 1915. Presented to the Legislature, March 24th, 1916. *Printed.*

No. 50 Return from the Records of the By-Elections in 1915-16. Presented to the Legislature, March 6th, 1916. *Printed.*

No. 51 Report of the Provincial Archivist for the year 1915. Presented to the Legislature, April 10th, 1916. *Printed.*

No. 52 Report of the Librarian upon the State of the Library. Presented to the Legislature, March 1st, 1916. *Not printed.*

No. 53 Provincial Auditor's Statements for the year 1915. Presented to the Legislature, March 15th, 1916. *Printed.*

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No. 55 Report of the Commission on Unemployment. Presented to the Legislature, March 1st, 1916. *Printed.*

No. 56 Report on the British Red Cross Fund, Trafalgar Day. Presented to the Legislature, April 18th, 1916. *Printed.*

No. 57 Return to an Address, of the 5th March, 1915, to His Honour the Lieutenant-Governor praying that he will cause to be laid before this House a Return of: 1. Copies of all petitions or requests or communications received by the Government from Trades and Labour Councils, Municipal Authorities, Social and Philanthropic organizations, or other societies, organizations or individuals, in reference to the conditions of Unemployment in the Province, and in reference to governmental action to relieve conditions of unemployment. 2. All communications passing between the Government of Canada and the Government of Ontario, or any officer or official of the Governments respectively, in reference to conditions of unemployment, and as to governmental action in reference thereto. 3. A statement showing what action has been taken by the Government to relieve conditions of unemployment in the Province. 4. Copy of the Orders-in-Council appointing the Commission to investigate the conditions of Unemployment, and defining the scope of the work of the Commission. Mr. *Rowell.* Presented to the Legislature, March 1st, 1916. *Not printed.*

No. 58 Return to an Order of the House of the 1st April, 1915, for a Return showing: 1. All correspondence between the Government or any officer or official thereof and all Councils of Women and all other persons, societies or associations, in reference to the establishment of Houses of Refuge in municipalities and in regard to legislation for the purpose of requiring municipalities to establish Houses of Refuge for the care of feeble-minded and unfortunate persons. 2. All correspondence or communications between the Government or any officer or official thereof and the Councils of municipalities or any officer or official thereof.

with reference to the compulsory establishment by municipalities of Houses of Refuge for feeble-minded and unfortunate persons. Mr. *Hurdman*. Presented to the Legislature, March 1st, 1916. *Not printed.*

No. 59 Return to an Order of the House of the 1st April, 1915, for a Return showing: 1. A copy of all the proceedings in the Police Court in the City of Toronto in the charge made against Herbert Capewell for demanding commission on certain Government Military contracts for the supply of boots for the Canadian Expeditionary Force, including therein the evidence and the Police Magistrate's judgment and commitment. 2. A copy of the record of the proceedings on the trial of the said Herbert Capewell before His Honour Judge Coatsworth in the County Judge's Criminal Court of the County of York, including the evidence, statements of Counsel and statement of acquittal. Mr. *Atkinson*. Presented to the Legislature, March 1st, 1916. *Not printed.*

No. 60 Return to an Order of the House of the 1st April, 1915, for a Return showing: 1. What Fishermen received fishing licenses in Manitoulin Island for the fishing season, 1914, and upon what dates were these licenses granted respectively. 2. What Fishermen received fishing licenses for the year 1915, and upon what dates were these licenses granted respectively. Mr. *Parliament*. Presented to the Legislature, March 1st, 1916. *Not printed.*

No. 61 Copies of Orders-in-Council and Regulations made under the authority of the Department of Education. Presented to the Legislature, March 2nd, 1916. *Printed for distribution.*

No. 62 Report of the Monteith Demonstration Farm, 1915. Presented to the Legislature, April 14th, 1916. *Printed.*

No. 63 Report of the Northern Development Branch of the Department of Lands, Forests and Mines for the year 1915. Presented to the Legislature, March 13th, 1916. *Printed.*

No. 64 Copies of Orders-in-Council under Subsection 6 of Section 78, Chapter 62, R.S.O., 1914, relating to Surrogate Courts. Presented to the Legislature, March 7th, 1916. *Not printed.*

No. 65 Return to an Order of the House of the 25th March, 1915, for a Return showing: 1. How many Dining or Buffet Cars have the T. & N. O. Railway purchased, and what was the date of purchase, and the price paid for the said cars respectively. 2. How many of such cars are in actual use upon the railway. Mr. *Ferguson (Kent)*. Presented to the Legislature, March 7th, 1916. *Not printed.*

No. 66 Return to an Order of the House of the 25th March, 1915, for a Return showing: 1. With what Fire Insurance Companies did the T. & N. O. Railway place its Fire Insurance for the fiscal year ending 31st October, 1914, and through what agents was the Insurance placed. 2. With what Fire Insurance Companies has the T. & N. O. Railway Company placed its Fire Insurance for the current year, and through what agents has the Insurance been placed. Mr. *Davidson.* Presented to the Legislature, March 7th, 1916. *Not printed.*

No. 67 Return to an Order of the House, of the 1st April, 1915, for a Return showing: 1. If any requests have been made by the Lieutenant-Governor in Council to the Hydro-Electric Power Commission under section 3 of the Hydro-Electric Railway Act, 1914, to inquire into and report upon the proposed electric railways in Ontario. 2. If requests have been made, what are the dates upon which such requests were made and with respect to what railways or territories were such requests made. 3. What reports, if any, have been received by the Lieutenant-Governor in Council on the proposed Hydro-Electric Railways in Ontario. 4. Has the Lieutenant-Governor in Council approved the construction of any such railways; if so, which ones. Mr. *Richardson.* Presented to the Legislature, March 7th, 1916. *Not printed.*

No. 68 Return to an Order of the House of the 13th March, 1916, for a Return showing: 1. Copies of all correspondence between the Government of the Province of Ontario, or any officer or official thereof, and the Government of the Dominion of Canada, or any officer or official thereof, with reference to the care of or provision for returned soldiers, and particularly assisting returned soldiers to secure employment. 2. Copies of all resolutions passed at a conference between representatives of the Government of Canada and of the Provinces, in reference to the care of and provision for returned soldiers. 3. Copy of the document setting out the understanding arrived at between the Government of Canada and the Governments of the different Provinces in reference to the care of the said soldiers. Mr. *Rowell.* Presented to the House March 15th, 1916. *Not printed.*

No. 69 Return to an Order of the House of the 13th March, 1916, for a Return showing: 1. The names and addresses respectively of the persons who attended the short course of Instructions for Judges at Fall Fairs given at the Ontario Agricultural College at Guelph in June, 1915. 2. The names and addresses respectively of the persons who attended the Course of Instruction for Judges at Fall Fairs at the Experimental Farm, Ottawa, in 1915. 3. The names and addresses of the persons who were appointed by the Government as Judges at Fall Fairs in 1915, and what departments or classes did each judge respectively. Mr. *Ham.* Presented to the Legislature, March 17th, 1916. *Not printed.*

No. 70 Return to an Order of the House of the 6th March, 1916, for a Return showing how much of the sum received by the Government on account of the War Tax, 1915, has been expended and for what purposes has the money been expended and the amount of the expenditure for such purposes respectively. Mr. *Bowman.* Presented to the Legislature, March 20th, 1916. *Not printed.*

No. 71 Return to an Order of the House of the 24th March, 1915, for a Return showing: 1. What is the total number of employers of labour coming under Schedule 1 of The Workmen's Compensation Act, as reported to the Workmen's Compensation Board. 2. What is the total number of employees so reported. 3. What is the total amount of the assessment for the year 1915 for such employers. 4. How much has been received to date in respect of such assessment. 5. How much is on deposit to the credit of this fund to date. 6. Where and to whose credit are the moneys on deposit. Mr. *Hurdman.* Presented to the Legislature, March 21st, 1916. *Not printed.*

No. 72 Return to an Order of the House of the 25th March, 1915, for a Return showing: 1. If the Workmen's Compensation Board levied its assessment upon employers upon the basis of current cost, or the capitalized value. 2. If not on the basis of current cost, what amount or percentage has been added to the assessment over and above current cost. 3. If the Workmen's Compensation Board established a Reserve Fund under section 92 of The Workmen's Compensation Act. 4. If so, what amount or percentage has been included in the sum assessed upon employers to provide this Reserve Fund. Mr. *Elliott.* Presented to the Legislature, March 21st, 1916. *Not printed.*

No. 73 Return to an Order of the House of the 24th March, 1915, for a Return showing: 1. What is the total number of employers of labour coming under Schedule 2 of The Workmen's Compensation Act, so far as ascertained by the Workmen's Compensation Board. 2. What is the total number of employees under section 2. 3. What is the total number of employers coming under section 3, so far as the Workmen's Compensation Board has been able to ascertain. 4. What is the total number of employees coming under section 3, so far as the Workmen's Compensation Board has been able to ascertain. Mr. *Davidson.* Presented to the Legislature, March 21st, 1916. *Not printed.*

No. 74 Return to an Order of the House of the 21st March, 1916, for a Return showing: 1. Copies of all correspondence which passed between the Government, or any officer or official thereof, in reference to the granting of bail in the case of Rex *vs.* Friedman, heard at Sault Ste. Marie, Ontario. 2. Copies of all correspondence received by the Government from any source in reference to the granting, or refusal, of bail in said case. Mr. *Proudfoot.* Presented to the Legislature, March 22nd, 1916. *Not printed.*

No. 75 Return to an Order of the House of the 22nd March, 1916, for a Return showing what were the dates and amounts of the several payments made by the Province to aid Recruiting, and to whom were such payments made. Mr. *Ham*. Presented to the Legislature, March 22nd, 1916. *Not printed.*

No. 76 Return to an Order of the House of the 22nd March, 1916, for a Return showing what were the dates and the amounts of the several payments made by the Government of Ontario in respect of the Ontario Military Hospital, and to whom were such payments respectively made. Mr. *Richardson*. Presented to the Legislature, March 22nd, 1916. *Not printed.*

No. 77 Return to an Order of the House of the 29th March, 1915, for a Return showing: All correspondence received by the Government or any member or official thereof with reference to the appointment of present members to the Workmen's Compensation Board, or in support of the applications of the said members to be so appointed. Mr. *Carter*. Presented to the Legislature, March 28th, 1916. *Not printed.*

No. 78 Return to an Order of the House of the 1st April, 1915, for a Return showing: 1. How many persons in the employ of the Province or the Government are now serving with the Canadian or Allies' armies. 2. What are the names of the persons so serving, and what salaries do they respectively receive from the Government. Mr. *Racine*. Presented to the Legislature, March 28th, 1916. *Not printed.*

No. 79 Return to an Order of the House of the 24th March, 1916, for a Return giving the names of all persons employed in the Civil Service of the Province who have enlisted for overseas service with the Canadian Expeditionary Forces since the commencement of the War to date. Mr. *McCrae*. Presented to the Legislature, March 28th, 1916. *Not printed.*

No. 80 Return to an Order of the House of the 31st March, 1916, for a Return showing: 1. All correspondence between the Government of Ontario, or any member or official thereof, and the Canada Copper Company or the International Nickel Company, or any officer or official of either of the said Companies, in reference to the tax to be paid to the Province of Ontario in respect of the profits made on the nickel mining operations carried on within the Province of Ontario by or on behalf of the said Companies, or either of them. Mr. *Carter*. Presented to the Legislature, April 4th, 1916. *Not printed.*

No. 81 Return to an Order of the House of the 22nd March, 1915, for a Return showing: 1. Who is the Police Magistrate for the City of Windsor. 2. When was he appointed. 3. Whom did he

succeed. 4. What salary does he receive from the City of Windsor. 5. How much from fees for convictions in County cases. 6. What amount in fees and costs in County cases has he collected from the 1st day of December, 1908, to the 1st day of January, 1915. 7. What amount for convictions in County cases has the Police Magistrate paid to the County Treasurer from the 1st December, 1908, to the 1st January, 1915. 8. What convictions has he reported to the Clerk of the Peace for Essex County from September 1st, 1914, to date. Mr. *Ducharme.* Presented to the Legislature, April 5th, 1916. *Not printed.*

No. 82 Return to an Order of the House of the 22nd March, 1915, for a Return showing: 1. Who is the Police Magistrate for Amherstburg. 2. When was he appointed. 3. Whom did he succeed. 4. What convictions has he reported. 5. What amount of fees and fines has he collected during his term of office. 6. What disposition was made by him of these fees and fines. Mr. *Tolmie.* Presented to the Legislature, April 5th, 1916. *Not printed.*

No. 83 Return to an Order of the House of the 3rd April, 1916, for a Return of copies of all correspondence or other papers and documents which passed between J. H. Carrique, of the City of Toronto, or any other person or persons and the Attorney-General or any official of his Department or of any Department of the Government in connection with, or arising out of, a request made by the said J. H. Carrique to have Robert M. Catts and Edward C. Hill extradited from the United States of America on a charge that they had defrauded him out of the sum of $5,000. Mr. *Proudfoot.* Presented to the Legislature, April 6th, 1916. *Not printed.*

No. 84 Report of the Decisions in cases arising under "The Municipal Drainage Act," together with other cases analagous thereto and The General Rules relating to practice and procedure under the said Act. Presented to the Legislature, April 7th, 1916. *Printed.*

No. 85 Return to an Order of the House of the 24th March, 1916, for a Return showing: 1. The names of the officials connected with the Ontario Reformatory or Guelph Prison Farm, giving their positions and salaries respectively. Mr. *Marshall.* Presented to the Legislature, April 11th, 1916. *Not printed.*

No. 86 Return to an Order of the House of the 9th March, 1916, for a Return showing: 1. What is the total capital expenditure on the Guelph Prison Farm to the close of the fiscal year. 2. If any further capital expenditures are contemplated; and showing the estimated amount thereof. 3. And how many prisoners are now confined at the Guelph Prison Farm. Mr. *Ferguson (Kent).* Presented to the Legislature, April 11th, 1916. *Not printed.*

No. 87 Return to an Order of the House of the 9th March, 1916, for a Return showing: 1. What is the total capital expenditure on the Whitby Asylum to the close of the fiscal year. 2. And if any further capital expenditures are contemplated; and if so, showing the estimated amount thereof. 3. And the number of inmates now confined in the Whitby Asylum. Mr. *Wigle.* Presented to the Legislature, April 12th, 1916. *Not printed.*

No. 88 Statement of the distribution of the Revised and Sessional Statutes for the year 1915. Presented to the Legislature, April 13th, 1916. *Not printed.*

No. 89 Report of the Sub-Committee on Bill (No. 53), Respecting the Ancient Order of United Workmen of the Province of Ontario. Presented to the Legislature, April 18th, 1916. *Printed by order of the House.*

No. 90 Return to an Order of the House of the 3rd March, 1915, for a Return showing: 1. How many permanent officials and employees of all classes were engaged in the inside Civil Service on the 1st days of January, 1905 and 1915 respectively. 2. How many permanent officials and employees of all classes were engaged on the outside service on the 1st days of January, 1905 and 1915 respectively. Mr. *Gillespie.* Presented to the Legislature, April 19th, 1916. *Not printed.*

No. 91 Return to an Order of the House of the 30th day of March, 1916, for a Return showing: 1. Copies of all correspondence between the Government of Ontario and any member or official and the Government of the Dominion of Canada or any member or official thereof, with reference to the Report of the Dominion Government Commission on Technical Education and as to any action to be taken upon the basis of the said report or otherwise in connection with Technical Education. Mr. *Ducharme.* Presented to the Legislature, April 19th, 1916. *Not printed.*

No. 92 Return to an Order of the House of the 11th April, 1916, for a Return showing: 1. If the T. & N. O. Railway was, within the past twelve months, asked to quote rates on the shipment of 6,000 tons of fabricated steel, or some quantity of fabricated steel, from Sarnia to Regina. 2. If the T. & N. O. Railway was asked to quote rates, who were the shippers or parties requesting the rates; and what was the amount of steel involved; and what were the rates quoted. 3. If rates were quoted, how did these rates compare with the tariff rates in the tariff approved by the Board of Railway Commissioners for the quantities of steel and the haul in question. Mr. *Munro.* Presented to the Legislature, April 19th, 1916. *Not printed.*

No. 93 Return to an Order of the House of the 17th day of April, 1916, for a Return showing if the Government received any statement from the Government of Great Britain, or from any other source, with reference to the use made of the flour contributed by the Province of Ontario to the Mother Country, of the value of $780,468.70. 2. If so, how was the flour used or disposed of. Mr. *Lowe*. Presented to the Legislature, April 19th, 1916. *Not printed.*

REPORT

OF THE

ONTARIO COMMISSION

ON

UNEMPLOYMENT

PRINTED BY ORDER OF

THE LEGISLATIVE ASSEMBLY OF ONTARIO

TORONTO:
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To His Honour Sir John Strathearn Hendrie, K.C.M.G., C.R.V.O., etc., etc., etc,

Lieutenant-Governor of the Province of Ontario.

May it Please Your Honour.—I herewith beg to present for your consideration the Report of the Ontario Commission on Unemployment.

Respectfully submitted,

W. J. Hanna,

Provincial Secretary

To The Honourable W. J. Hanna, K.C., M.P.P.,

Provincial Secretary of Ontario.

Sir,—I have the honour to submit for your approval the Report of the Ontario Commission on Unemployment.

I have the honour to be, Sir,

Your obedient servant,

J. S. Willison,

Chairman of the Commission.

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CANADA
Province of Ontario.

GEORGE THE FIFTH, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India.

TO SIR JOHN WILLISON, MOST REVEREND NEIL McNEIL, D.D., VENERABLE ARCHDEACON HENRY J. CODY, REVEREND DANIEL STRACHAN, D.D., W. K. McNAUGHT, C.M.G., JOSEPH GIBBONS, G. FRANK BEER, PROFESSOR A. T. DeLURY, GILBERT E. JACKSON, W. P. GUNDY, all of the City of Toronto, and W. L. BEST of the City of Ottawa.

GREETING:

WHEREAS, in and by Chapter 18 of The Revised Statutes of Ontario, 1914, entitled "An Act respecting Inquiries concerning Public Matters," it is enacted that whenever the Lieutenant-Governor deems it expedient to cause inquiry to be made concerning any matter connected with or affecting the good government of Ontario or the conduct of any part of the public business thereof or of the administration of justice therein and such inquiry is not regulated by any special law, he may, by Commission, appoint a person or persons to conduct such inquiry and may confer the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as the Commissioner or Commissioners deem requisite for the full investigation of the matters into which they are appointed to examine and the Commissioner or Commissioners shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any Court in civil cases.

AND WHEREAS Our Lieutenant-Governor in Council of Our said Province of Ontario deems it expedient to cause inquiry to be made into all matters relating to the unemployment of labour.

NOW KNOW YE, that We, having and reposing full trust and confidence in you, the said *Sir John Willison, Most Reverend Neil McNeil, D.D., Venerable Archdeacon Henry J. Cody, Reverend Daniel Strachan, D.D., W. K. McNaught, C.M.G., Joseph Gibbons, G. Frank Beer, Professor A. T. DeLury, Gilbert E. Jackson, W. P. Gundy and W. L. Best, do hereby appoint* you to be Our *Commissioners* in this behalf with all the powers authorized by the said Act to inquire into, investigate and to report to Our said Lieutenant-Governor upon the matters

hereinbefore mentioned, and for such purpose to visit such localities and to collect all such data and information as may be deemed advisable, and to make report thereon with such recommendations as may be deemed expedient for the adoption of such measures as may be deemed suited to the circumstances and condition of the Province and proper to be adopted, giving to you, Our said Commissioners, the power of summoning any person and requiring him to give evidence on oath and to produce to you, Our said Commissioners, such documents and things as you may deem requisite for the full investigation of the premises together with all and every other power and authority in the said Act mentioned and authorized to be by Us conferred on any Commissioner appointed by authority or in pursuance thereof and We do hereby further appoint you, the said Sir John Willison, to be Chairman of the said Commission.

TO HAVE, HOLD AND ENJOY the said office and authority of Commissioners for and during the pleasure of Our said Lieutenant-Governor in Council.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of Ontario to be hereunto affixed:

WITNESS: HIS HONOUR, JOHN STRATHEARN HENDRIE, Commander of Our Royal Victorian Order, a Lieutenant-Colonel in Our Militia of Canada, etc., etc., etc., Lieutenant-Governor of Our Province of Ontario, at Our Government House, in Our City of Toronto, in Our said Province, this twenty-second day of December, in the year of Our Lord one thousand nine hundred and fourteen and in the fifth year of Our Reign.

BY COMMAND:

(Signed) W. J. HANNA,

Provincial Secretary.

Mr. W. P. Gundy was appointed Treasurer; Mr. G. E. Jackson and Miss Marjory MacMurchy were appointed Secretaries to the Commission.

ACKNOWLEDGMENTS.

The Commission in its investigation and enquiries has received valuable information and assistance of various kinds from Departments of the Imperial, Federal and Provincial Governments, from public and private organizations in Canada and the United States, and from individuals in many occupations. It wishes to express its acknowledgments to all who have given assistance, and especially to the following:

Hon. T. W. Crothers, Minister of Labour, who placed at its disposal the resources of the Department of Labour.

Mr. F. A. Acland, Deputy Minister of Labour.

Mr. Bryce M. Stewart, The Department of Labour.

Mr. R. H. Coats, Dominion Statistician.

Mr. Thomas Adams, Town Planning Adviser, Commission of Conservation.

Mr. F. Lavington, Central Office, Board of Trade Labour Exchanges, Westminster, England.

Dr. John B. Andrews, Secretary to the American Association for Labour Legislation, New York.

Mr. Charles B. Barnes, Director of the State Bureau of Employment, New York.

Mr. H. J. Beckerle, Superintendent of the Wisconsin Free Employment Offices, Milwaukee.

Mr. Morris L. Cooke, Director of Public Works, Philadelphia.

Dr. Charles F. Gettemy, Director of the Massachusetts Bureau of Statistics, Boston.

Mr. William M. Leiserson, Professor of Economics and Political Science, Toledo University.

Mr. Joseph H. Willits, Wharton School of Finance, University of Pennsylvania.

Miss Brooking, Superintendent, Alexandra Industrial School for Girls, Toronto.

Miss Carson, Superintendent, Women's Industrial Farm, Toronto.

Dr. Chambers, Governor, Toronto Gaol.

Dr. C. K. Clarke, Superintendent, Toronto General Hospital.

Mr. John A. Cooper, Toronto.

Dr. G. C. Creelman, Agricultural College, Guelph.

Rev. S. W. Dean, Superintendent, Fred Victor Mission, Toronto.

Rev. W. B. Findlay, Superintendent, Industrial Farm, Toronto.

Miss M. A. FitzGibbon, late Superintendent, Women's Welcome Hostel, Toronto.

Miss Guest, Belleville.

Mrs. L. A. Hamilton, Convener of Committee on Country Positions, Toronto Women's Patriotic League.

Professor Edward Kylie, University of Toronto, Toronto.

Miss Josephine B. McKenna, Mackenzie Fellow, Political Science Department, University of Toronto.

Mr. Charles B. McNaught, Toronto.

Mrs. O'Sullivan, Superintendent, Mercer Reformatory, Toronto.

Miss V. M. Ryley, Superintendent, Dining Hall, University of Toronto.

Mr. W. W. Swanson, M.A., Ph.D., Associate Professor of Political Science, Queen's University, Kingston.

Mrs. H. D. Warren, Convener of Committee on Women's Employments, Toronto Women's Patriotic League.

Miss Watson, Director of Home Economics, Macdonald Institute, Guelph.

Mr. K. M. Wright, Solicitor to the Inspector of Prisons and Public Charities, Ontario.

Special acknowledgment is due to Professor Mavor for much valuable information as to land settlement policies, industrial farms, and other matters coming within the field of the Commission's enquiry.

Studies made by the Rev. Peter Bryce of the nature, causes and extent of unemployment, and of the organization of charitable relief, with reference to the district of Earlscourt, Toronto, have been generously placed at the disposal of the Commission. These are published in Appendices E II and III.

The Commission desires also to express its acknowledgments to the witnesses, whose names are given elsewhere, and whose readiness to furnish information for the Commission expedited its enquiries. In addition to witnesses who were formally examined, a number of others gave valuable evidence through investigators; to these also the Commission wishes to express its indebtedness.

To Mr. G. E. Jackson and Miss Marjory MacMurchy, who were appointed Secretaries, the Commissioners desire to express their appreciation of the work accomplished in investigation and in the preparation of the Report.

An expression of appreciation is due also to Mr. F. D. L. Smith, who assisted in writing parts of the Report and in seeing the Report through the press.

INTRODUCTION.

PROCEDURE—SOME GENERAL FINDINGS—OUTLINE OF PROPOSALS.

1. *Procedure.*

In the absence of statistical information regarding unemployment in Ontario, which has been one of its chief difficulties, the Commission was compelled to conduct its own investigations. These may be described under five heads:

(*a*) Enquiries into the extent of Unemployment.
(*b*) Enquiries into the Character of the Unemployed.
(*c*) Enquiries into the work of Public Employment Offices and Private Employment Agencies in the Province.
(*d*) Enquiries into the methods adopted by Municipal Authorities in dealing with the Unemployed.
(*e*) Enquiries into Unemployment in Women's Occupations.

(*a*) Enquiries into the extent of unemployment.

A circular was sent to 1,637 factories, whose management was connected with the Canadian Manufacturers' Association. This circular asked for confidential statements of the number of men and women employed in each factory in each of the 36 months between January, 1912, and December, 1914. The Commission received 651 replies in a form which could be utilized. These have been tabulated and are collected in Appendix H. The first three sections of Part II, Chapter 1. The Extent and Duration of Unemployment in Ontario, have been based on them.

Circulars were also sent to all the branches of the Amalgamated Society of Carpenters and Joiners, which were listed in the Directory of Labor Organizations, compiled by the Ontario Bureau of Labour. These asked for a return of the number of members each year, the number unemployed at some time in each year, the sums paid out in unemployed benefits, and the number of working weeks which were lost. The replies covered a period of about ten years. Because they were incomplete, their publication would serve no useful purpose; nevertheless they throw valuable light on the extent to which information is obtainable regarding risks of unemployment.

(*b*) Enquiries into the character of the unemployed.

An analysis was made of 2,400 registration cards selected at random from among those on file at the Civic Employment Bureau, Toronto. Part of this analysis is incorporated in the last Section of Part II, Chapter 1, The Extent and Duration of Unemployment in Ontario, and part in the third section of Part II, Chapter III, The Distribution of Labour in Ontario.

A complete analysis was made of the Civic Registration of the Unemployed in Port Arthur. Part of this is incorporated in the last section of Part II. Chapter I, and part in the first section of Part II, Chapter VI. The Land Problem in Ontario.

An enquiry was made by the pursers of the Lake Steamers into the industrial character and history of seamen engaged on these vessels, and the extent to which they were unemployed in winter. This indicated that most seamen on lake steamers drifted into this work from other occupations, and that few look on this work as their permanent employment. Since, however, the number of men from whom records were obtained was small, the returns have not been published.

An examination was made by the staff of the Toronto General Hospital into the physical and mental state of about 200 unemployed persons who became free patients of the Hospital during 1915. Most of these were men. The returns indicated the presence of a good deal of feeble-mindedness, and showed that parentage and bad surroundings in childhood were responsible for much of the distress among these patients. Since it was not possible to compare this record of unemployed persons in bad health, with any similar record of the parentage and environment in childhood of those for whose unemployment sickness was not responsible, these returns are not incorporated in the Report.

During the first four months of 1915, an investigator working for the Commission, visited each shelter in Toronto, Hamilton, Ottawa and London. All the shelters in Toronto were visited on two occasions. Helped by the Superintendent of the Shelters, he collected data regarding the homeless men who came to sleep there. In all, 670 records were secured. These are incorporated in the first section of Part II, Chapter II, Vagrancy.

(c) Enquiries into the work of Public Employment Offices and Private Employment Agencies in the Province.

An investigator, working for the Commission, inspected the Public Employment Offices of Hamilton, Brantford, and London, Ontario, the Civic Employment Bureaux of Toronto and Ottawa, two private employment agencies in London, Ontario, three private employment agencies in Toronto, and three private employment agencies in Hamilton. The result of his investigation is briefly described in Part II, Chapter III, Distribution of Labour in Ontario.

A circular was addressed to all the Private Employment Agencies operating under license in the Province, in the Spring of 1915. Some of these agencies as a result of trade depression had retired from business. The number of replies was 55. The results of this enquiry are mentioned in the fourth section of Part II, Chapter III.

The records of one private employment agency for the year 1914 were examined in detail with a view to discovering if the registrations of those who had been given work for a short time and discharged, was a prominent feature in its records. It was found that such re-registration occurred so rarely that this enquiry was not continued.

An analysis was made of the convictions secured during 1914 and 1915, against Licensed Employment Agents, and others who did not possess a license. This is described in the fourth section of Part II, Chapter III, The Distribution of Labour in Ontario.

(*d*) Enquiries into the methods adopted by Municipal Authorities in dealing with Unemployment.

An investigator working for the Commission visited the following towns and cities and reported on their methods of relief: Hamilton, Ottawa, London, Brantford, Belleville and Peterborough. These are not described in the Report.

Questions were addressed to the Mayors, City Clerks and City Engineers of each municipality in the Province which, at the Census of 1911, had a population of more than 5,000. The replies are incorporated in the first section of Part II, Chapter V, The Control of Public Expenditure.

(*e*) Enquiries into unemployment in women's occupations.

A general investigation was made into the condition of women's employments and a special enquiry into six representative occupations —domestic and factory work, salesmanship, stenography, trained nursing and the employment of women who work by the day. The work of investigation covered eight months. The Commission pursued its enquiry by means of an investigator who interviewed experts and authorities in the various women's occupations and prepared questionnaires dealing with each employment studied. More than sixty interviews were obtained; the evidence was written out and analysed; and the conclusions arrived at appear in the Survey, Part I, Chapter III, Section 2, and Studies of Women's Employments published in Part III of this Report.

In addition, enquiries were made into immigration, methods of employment, employment bureaux, and training for women's occupations.

A questionnaire was sent to penal and reformatory institutions for girls and women; in response statistical and other information of value was furnished to the Commission. Interviews were also obtained in this special enquiry.

The Toronto Women's Patriotic League Employment Bureau, through the committee in charge, placed at the disposal of the Commission the statistics of the Employment Bureau. A classified chart was prepared, and the information obtained was analyzed. This chart,

showing classes of women specially affected by unemployment, will be found in Part III.

The Committee of the Toronto Women's Patriotic League which had charge of placing women out of work in country positions furnished the investigator with detailed information. An analysis was made of 81 cases placed in country positions. A statement covering this investigation will be found in Part III, Chapter VI.

The enquiry into immigration was assisted by the National Board of the Young Women's Christian Association of Canada, through its National Ports Secretary, Mrs. Burrington-Ham.

Statistics regarding the employment of women who work by the day, and the number of children placed out to be cared for during the day were obtained from a number of creches which assist this class of workers. Information obtained from previous investigations into housework; wages, working conditions and health of business women; trade training of Canadian girls; the education of girls; and the needs of immigrant women, conducted by the investigator in the years 1912, 1913 and 1914, was also used in writing the report on Women's Occupations.

In response to written enquiry, valuable information with regard to women's employment, immigration, and unemployment was received from a number of organizations and individuals. The organizations which should be specially named are: Central Bureau for the Employment of Women, London, England; Central Committee on Women's Employment, London, England; the Young Women's Christian Associations of the United States of America, New York; Women's Educational and Industrial Union, Boston; Teachers' College, Columbia University, New York, Department of Health and Nursing; and the Toronto Women's Patriotic League. The Commission is also indebted to Mrs. Sydney Webb; Miss Josephine Goldmark, author of "Fatigue and Efficiency"; Miss Ida M. Tarbell; Miss Lilian D. Wald, Henry Street Settlement, New York; Mrs. Florence Kelley, General Secretary of the Consumers' League; Miss Frances A. Kellor, Vice-Chairman of the Committee for Immigrants in America; and Miss Alice Henry, one of the editors of "Life and Labour," a magazine published by the National Women's Trade Union League of America.

The investigation owes much to the experts and authorities interviewed on women's employments in Canada. In every case, great willingness was shown to furnish information, and a high degree of understanding, interest and sympathy was manifested in the work of the Commission. Any thorough enquiry would not have been possible if these experts had not given their knowledge and thought freely for the use of the investigator.

None of these items includes evidence formally given by witnesses. Synopses of the evidence are presented in Part IV.

Elsewhere in the Report, acknowledgment is made to those who, though they did not give formal evidence, placed the results of their experience at our disposal.

2. Some General Findings.

These investigations, which in the absence of positive information were essential, clearly showed the need for a continuous study of unemployment in Ontario. It was not the purpose of the Commission at any time to deal with temporary measures of relief. "This Commission was appointed," so ran a statement issued on January 8th, 1915, "not to consider conditions arising out of the war, or even out of the passing season of commercial depression, but to examine into the permanent causes of recurring unemployment in Ontario, and to recommend measures to mitigate or abolish the evil." The result of their enquiries has impressed on your Commissioners most forcibly the fact that the depression, which occurred in 1914 and 1915, was but a phase of the movement alternating between inflation and depression, which is a characteristic feature of modern industry. A false sense of security should not blind the business world, in times of thriving trade, to the fact that widespread unemployment is likely to recur in future.

In Europe, this recurrence of inflation and depression is well recognized. In young and growing countries, it has sometimes been supposed that conditions more favorable have produced immunity. This is by no means the case. Young countries, whose development is largely due to supplies of capital from Europe, are organized on a basis of rapid growth. To the extent of their indebtedness, they have discounted an uncertain future. The fact that their growth is so rapid in times of prosperity, makes them subject to depressions more violent than those of older countries.

If in the past these depressions had been entirely due to local conditions, it would be reasonable to suppose that a change in these conditions would prevent depressions in the future, but so long as young countries, such as Canada, depend for their continued development on imported capital, they must always suffer when events in Europe check investment. The declaration of war in any country which interests European trade, the collapse of any great financial house in Europe, or even the liquidation which follows a time of speculation, may produce results no less important to Canada than to Europe.

No amount of caution, therefore, can absolve our governments and people from the duty of making preparation during good times, for periods of depression, which for reasons not directly connected with Canada are only too likely to follow.

Special stress is laid on the prevention of disease. So, too, the prevention of unemployment when possible, is far better than the best provision of relief. It is difficult at all times so to administer relief

as not to pauperize individuals who claim it; but the prevention of unemployment never encourages resort to charity.

In spite of preventive measures, there will at all times be some unemployment. At certain seasons, and in certain years, this may reach a considerable amount. Organized effort for the relief of such unemployment by the state, the cities, working-men's associations, or all of them combined, is always costly. In many countries where such organized relief has been provided, objections have been raised on the ground of economy. It must, however, be remembered that the cost of relieving unemployment is not a net expense. In any country, society is faced by the alternative of leaving those in distress to shift for themselves as best they may, or of relieving them on some considered plan. The cost of inaction must be balanced against the cost of adequate relief. Inaction involves the physical, and often the moral deterioration of many workers. It encourages indiscriminate begging, and is responsible for the growth of a parasitic class. It compels mothers with young children to neglect their domestic duties, in order to secure a livelihood. It may compel large numbers of young children to go to work, at an age when, for their own sake, and for the general good, they should remain in school.

It is difficult to believe that any form of organized relief, which does not directly pauperize, can be more costly to society than the refusal to take action. Payment for such refusal is always exacted, in the form of increased provision, for the sub-normal and for criminals, and constitutes a very heavy burden.

In any such study as that in which your Commissioners have been engaged the relation between unemployment and the consumption of intoxicating liquor cannot be ignored. The problem has been considered in various phases, witnesses have been examined and special attention devoted to the question. Evidence from many sources agrees in assigning excessive drinking as the cause of much poverty, distress and vagrancy. In view of the investigation and study made, the judgment of your Commissioners is that measures which will reduce the amount of drinking will lessen unemployment.

Consideration for the needs of special classes has sometimes obscured the common interest of consumer and producer, employer and employed. Yet the welfare of each depends on the general well-being; and whatever does not make for general well-being, reacts on other classes in the community. The greater the general well-being the greater the demand for commodities and so for labour. The interests of workmen are better secured by the payment of steady wages for a large production, than by the exaction of an artificial price for labour through the curtailment of production. An increase of wealth produced and fairly distributed, will produce a scarcity of labour, which from natural, rather than artificial, causes will raise its price. For instance, if workmen owned their own houses, they would not have to work so hard, or so

continuously; for there would be no rent to pay. General well-being is dependent upon the largest possible production, with a fair distribution of rewards. This would increase the demand for manufactured goods, and increase the manufacturer's profit, for his success depends upon the purchasing power of the public. It appears, therefore (1), that the cutting down of production, which means the power to purchase, is detrimental both to capital and labour; (2) that the larger the power to purchase possessed by labour, the greater will be the ultimate advantage of the manufacturer who caters to his wants; (3) that the greater the prosperity of the labourer (as illustrated by the ownership of his own home), the less necessity will there be for him to overwork and, consequently, the greater will become the demand for the labour of others.

3. *Outline of Proposals.*

It is the interlinking of personal causes, the forces which organize and direct employment, and economic tendencies, which constitutes the most baffling characteristic of the difficult social problem of unemployment. These unite in varying proportions, and in different ways, to create a fluctuating demand for labour and to complicate remedial measures. There can be no one key to a situation which arises from so many and such varied causes. It is evident that a remedy must be sought in many lines of action and can be found only through community as well as personal effort. Part 1. Chap. I Sec. 1.

A clearer knowledge of the underlying and contributing causes would make possible a more vigorous adoption of preventive measures. Such measures, it is believed, will prove of greater remedial value than the most energetic efforts directed to relief, after the influences which disorganize the labour market are developed and united. The general problem of Proportionate National Development is, therefore, deserving of greater recognition than it has yet received.

Responsibility is divided, for the causes are economic and industrial, as well as personal. Individual effort is necessarily inadequate to cope successfully with economic tendencies and organized influences. The more widely a division of responsibility is recognized, the more speedily will that united action be secured, through which alone can be found effective remedies. Personal causes of unemployment have received, heretofore, a disproportionate amount of attention. Not that they are less involved in the solution sought for, but with an improved economic adjustment, and a more efficient industrial organization, personal deficiencies may be found to have less room for growth and greater opportunity for repair.

Part 1. Chap. I. Sec. 3

Employers may largely regularize their staffs of workers (1) by improved method of employment and training, which will lessen the present large "turn over" of employees; (2) by adding new lines of products to ensure greater continuity of employment; (3) by standardizing a portion of products, thereby making it feasible to manufacture for stock more largely in slack seasons; (4) by securing orders from customers longer in advance than is now the practice, so that the factory output may be made more uniform, and (5) by developing export trade, which would not only stabilize the labour market and employ our excessive industrial plant, but would help to redress an adverse balance of trade and, at the same time, stimulate production for home consumption.

Part 1. Chap. I. Sec. 2.

While much may be accomplished by private employers, the co-operation of Federal, Provincial and Municipal Authorities is indispensable to any large measure of improvement during a period of general depression. For periodic depression, therefore, which occasions a general slackening of the demand for labour, work should be planned in advance by these authorities to replace the lessened private demand. It is desirable that Governments should more fully recognize the large extent to which their activities are industrial. Public expenditures should, therefore, be based on sound business principles, and governed by the actual requirements of communities rather than by political considerations, and other uneconomic influences.

The problems of labour demand earnest and continued study and effective action. The organization of a permanent Commission, charged with these responsibilities, is highly desirable in the interest alike of the general community and of those directly affected. The appointment of a Provincial Labour Commission is recommended, therefore—

Part 1. Chap. II. Sec. 1.

1. To administer a System of Free Public Employment Bureaux;

2. To control Private Employment Offices;

Part 1. Chap. III. Sec. 3.

3. To co-operate with rural and urban committees in regard to vocational guidance, extension of the school age, development of local rural interests and the extension of technical, trade, agricultural and domestic training;

4. To develop an adequate system of statistics;

Part 1. Chap. IV. Sec. 1.

5. To interpret these statistics so that the causes of unemployment and other features of labour problems may be more generally understood, and that constructive measures of prevention may be brought to the attention of workmen, employers and public authorities;

6. To bring the knowledge and experience of other countries to bear upon Canadian labour problems;

7. To further the organization of Provincial Employment Bureaux throughout Canada with a view to their ultimate linking together in an effective national system.

The important position in paid employments now occupied by women is imperfectly appreciated. The effect of this employment upon home life and the care of children is shown to be far-reaching. It is necessary, therefore, to train women both for wage-earning occupations and home duties. More practical education for girls; greater care of health by workers; and recognition by educational authorities of the importance of home-making occupations are recommended. The provisions recommended for improving conditions for workmen apply equally, in many cases, to women workers. Part 1. Chap. III. Sec. 2.

It is clear that a new set of problems will follow the conclusion of peace, when many millions of men must seek anew places in self-supporting enterprises, and the capital now engaged as a result of war orders must find new outlets. An efficient system of Employment Bureaux and the statistical and other information which will better prepare the Government, employers of labour and workmen to anticipate and meet such problems should be provided in Canada as soon as possible. The neglect to exercise foresight will have far-reaching consequences, which belated efforts cannot speedily overtake. Part 1. Chap. II. Sec. 1.

It is the fringe of the unemployed which directly thwarts the effort constantly made by labour to secure a fair remuneration and greater certainty of regular employment. Measures which promise to lessen the effect of this necessarily unfair competition are deserving of the united support of all those who desire social amelioration and national economic advancement. Industrial centres are recommended for the physically handicapped for whom specially designed occupations may be developed, and for the aged, but not infirm, capable in proper surroundings of earning, at least, a measure of self-support. There exists, also, at times, a body of surplus, destitute casual labour—the willing, but not wanted—for which it is hoped some needed leadership can be supplied through these agencies. The object of such help, except in special cases, is to enable the labourers, better equipped either as agricultural or industrial workers, to rejoin the open market as speedily as possible. Part 1. Chap. III. Sec. 4.

An extension of the present system of Industrial Prison Farms is proposed for vagrants, and for the indolent who prefer casual labour—if these apply for relief. Reformatory farms are already established (for instance, by Toronto) for Part 1. Chap. III. Sec. 5.

those whose personal habits render them untrustworthy. The adoption of this system by other municipalities is recommended.

Part 1. Chap. III. Sec. 3.

Improved juvenile training, vocational guidance, and an extension of the school age, are important measures of prevention. Through the adoption of the plans outlined, it is believed that much may be done to lessen the number of misfits and improve the position and future outlook of many industrial workers.

Part 1. Chap. IV. Sec. 1.

Workmen, connected chiefly with the building trades, are subject to irregular employment owing to the seasons. For these unemployment insurance, with Government assistance, is advocated. It is not, however, proposed that the assistance referred to should be confined to any particular class; it should be open for all voluntary associations of workingmen organized for the purpose of securing unemployment benefit.

Part 1. Chap. II. Sec. 1.

A large number of occupations are, necessarily, seasonal, or intermittent, and for these Unemployment Insurance may be inadequate; dove-tailing of occupations is necessary. Public Employment Bureaux will afford greater opportunity for mobilizing such labour and directing it to fields of employment. The study of such occupations, with a view to their greater regularization, and to the better adjustment of the demand and supply of labour will be undertaken by the Provincial Labour Commission already suggested.

Part 1. Chap. 1. Sec. 4.

A vigorous policy of Community and Assisted Land Settlement would develop natural resources and assist in restoring industrial activity. Training schools for agricultural labourers, in connection with Provincial Farms, are desirable as a means of lessening unemployment and training for employment. Greater access to the land by means of cheap and rapid transit would prove of great advantage to urban workers, especially in periods of unemployment. An improvement in methods of taxation, by which speculation in land would be made unprofitable, would assist in making this possible, and is equally desirable for other reasons.

Part 1. Chap. II. Sec. 2.

Part 1. Chap. III. Sec. 1.

The need of further controlling, guiding, and in some cases of stimulating immigration is already apparent, and will be of still greater urgency at the close of the war. Advantage should be taken of the present slackening of immigration to organize effectively all agencies which will ensure the reception of those only who are fitted and required to supplement existing activities. By such measures the labour market may be preserved from future serious disorganization.

A better organization of charitable activities is required, with a view to co-ordinating all preventive and remedial effort. It is realized, however, that no adequate remedy for the destitution which follows unemployment can be found in philanthropic endeavour. Employment problems, if they are to be solved at all, must be solved from within.

Thrift and spending are discussed in Appendix E. IV. The suggestions made, while not directly connected with unemployment, appear to be called for in view of present well-established tendencies. Upon the other hand, as large payments should be made in return for efficient labour as economic conditions will admit. It cannot be permanently profitable to dissociate the interests of willing and efficient workers from those of the employers. It is not proposed to standardize inefficiency, but it is felt that the supply of labour available should not alone determine the share of its rewards. National well-being is inseparable from the generous recognition of working ability. Restrictions which lessen the output or reward of such workers tend to lower general efficiency and impede the national economic progress through which alone an increase in individual well-being is made possible

The aim throughout has been not so much to formulate emergency methods of relief, as to suggest measures by which constructive and remedial responsibilities may be assumed by workers, employers and governments.

Any thorough investigation of the many phases of unemployment inevitably raises searching questions. Is business safely and wisely organized in the general interest if it is concerned solely with the making of profits? Is a living wage one on which workers can exist but out of which they can save little or nothing for periods of unavoidable unemployment? Have the industrial profits of favourable years no responsibility for workers in periods of business depression? Such questions are more easily asked than satisfactorily answered; but we may be sure that the relations of capital to labour and of the state to the people are not merely economic and material.

The functions of the state in relation to its citizens must be more carefully considered. How can the proper balance be maintained between state guidance or control and individual initiative so that the advantages of both may be conserved? Does the industrial and commercial future lie with Socialism, or Individualism, or what might be

called a socialized individualism? If the state wishes to secure the fullest loyalty and efficiency of its citizens, must it not assume a larger measure of leadership than in the past?

This investigation has not overlooked the fact that material success is only a preliminary to personal well-being. Does the existing state machinery adequately guard and advance the well-being of the average citizen? Is not the highest function of the state to produce, protect and develop useful men and women? We need a better social order and we need better citizens. We shall probably obtain neither unless we strive for both at the same time.

PART I.

CONCLUSIONS AND RECOMMENDATIONS

PART I.

CHAPTER I.

PROVISIONS DEALING WITH THE PREVENTION OF UNEMPLOYMENT.

Section 1.

PROPORTIONATE NATIONAL DEVELOPMENT AS A MEANS OF SECURING STABILITY OF LABOUR CONDITIONS.

A proper adjustment between work and the number and qualification of the workers is, obviously, the one genuine remedy for unemployment. Proposals for the solution of the problems of unemployment are, therefore, to be measured by the degree to which they help to effect such an adjustment. If the great machine of employment is to run steadily and smoothly, it must be capable of self-adjustment. Its action must in some degree be automatic and not dependent upon intermittent stimulus or interference from without. To attain this self-adjustment all the services of capital, leadership and labour, whether rendered by the individual or the state, must be organized on a less selfish and individualistic basis. The activities of the state and the individual must be consciously designed to render mutually helpful and complementary service.

The factors governing employment are workers, capital, markets and organization. It is the factor or factors of which there is a shortage upon which the amount of production and employment actually depends. When workers are over-abundant, other factors control the amount of employment available; conversely, labour becomes the governing factor when capital, markets and organization are disproportionate to labour. To establish a proper equilibrium is, therefore, in a large measure to secure regularity of employment for workers. Unemployment insurance, half-time work, and other measures are of value, but at best they are simply palliatives of the distress which would otherwise arise from total loss of occupation.

Idle Workers and Plant.

The returns of employment received from Ontario manufacturers show that, during 1914, the decrease in the volume of employment was equal to the full working time of, at least, 30,000 persons. The figures for unskilled labour and the building trades are not available, but these would increase the already formidable total of those out of employment for long periods of time.

It is common knowledge that our industrial plant in many lines has outgrown normal requirements and that but for war orders, many Canadian factories would be closed down or running at a small percentage of their capacity. This situation is not peculiar to Canada. An investigation recently made by a competent American authority (W. S. Kies, Vice-President of the National City Bank, New York City) justifies the conclusion that during the last four or five years similar conditions have obtained in the factories of the United States. Canadian indus-

trial conditions so closely resemble those of the United States that it is possible to compare the proportion of plant to product in the census returns of both countries. These would appear to show that in proportion to output, Canada had in 1911 an industrial plant $200,000,000 in excess of productive requirements.

Between 1900 and 1910, the capital invested in Canadian manufactures increased 179 per cent., whereas the products show an increase of only 142 per cent. for the same period. If the capital investment had increased for this decade only, in proportion to products, the capital invested in 1910 would have been $164,000,000 less than the figures shown below:

—	1900	1910
	$	$
Capital	446,916,487	1,247,583,609
Products	481,053,375	1,165,975,639

(Canada Year Book, 1914, p. 251.)

Referring to Canadian railway development, Sir George Paish made the following statement, during his visit to Canada in 1914:

"It is evident that the railway machinery created to take care of the production of the country is sufficient to deal with twice, if not three times, the existing output and it is obvious that the burden of interest upon the immense amount of capital supplied will be a heavy one until the productive power of the country is greatly increased."

Other forms of "plant" expenditure, such as municipal improvements, have also been made in excess of existing needs.

Available Capital.

Lack of banking accommodation was not a cause of the lessened production and employment of 1914. For instance, in October, 1912, with total assets of $1,521,105,096, the current loans of Canadian banks amounted to $879,676,655. In October, 1914, the bank returns show total assets of $1,577,919,069, with current loans of $816,623,852. If current loans in 1914 had been proportionate to those of 1912, they would have amounted to $914,000,000. It would appear that at least $100,000,000 was available in October, 1914, for current industrial purposes, if a legitimate demand had called for such additional facilities.

In this connection, your Commissioners have had their attention directed to the importance of a more conservative policy on the part of enterprises requiring additional capital. Professor Mavor states:

"It is desirable in normal times to build up reserves in all industrial enterprises, and during times of abnormally profitable business this practice is indispensably necessary; otherwise, the continuity of the business cannot be secured.

"When credit is contracted and prices and wages fall, such reserves may be employed judiciously towards rendering the returns of the enterprise more stable than they would otherwise be and at the same time towards rendering employment more continuous.

"A business conducted on a minimum of capital, without accumulated reserves, and living from hand to mouth upon credit from bankers and others, is quite characteristic of a new and growing community; but the continued prosperity of a country, new or old, must depend largely upon the extent to which this primitive phase of industrial enterprise can be altered."

The situation (1914), briefly stated, is that Canada has large unoccupied areas of accessible and productive land; factories (apart from war orders) underemployed; many idle workmen; and a considerable accumulation of idle capital. It is evident, therefore, that these are not the factors which, at the present time, govern employment. The missing and, therefore, the governing factors lie somewhere within the field of organization, or of markets.

The Importance of Organization.

The name "Captains of Industry" is well applied to those who discover opportunities for new enterprises and direct new industrial undertakings. The demand for labour, the productive use of capital and the utilization of national resources are in large degree dependent upon the organizing ability of these leaders. They supply the motive power which puts into operation all other parts of our productive machinery. The industrial forces of a community are organized and employed in proportion as these investing and managing abilities are available.

Needless to add, the abilities referred to are not those of the trust promoter, who employs his wits to secure the control of industrial enterprises for the purpose, not of marketing new or additional commodities, but of securing for himself the capitalized value of the productive abilities engaged in these enterprises.

In Canada, the present need, in order to give employment to those now idle, is for business organizers to plan production for which may be found a world market. In any solution of the unemployment problem, skilful and trained directors of labour are indispensable. By bringing to our idle resources a larger supply of the factors which must be combined with them to secure production, idle labour will speedily find a field for its employment. The permanent interests of labour are involved in increased production, not only as a field for employment, but equally in the opportunity it affords for an increase in general well-being.

Necessity for World Markets.

If Canada contained among its own citizens the owners of the capital employed, and if they accepted a share of the products as payment, we would have within our own country a complete circle of production and distribution. This, however, is not the case.

Sir Frederick Williams-Taylor, in the autumn of 1914, estimated the total outstanding indebtedness of Canada to Great Britain alone to be £545,546,849. To this must be added our indebtedness to the United States at that time and the total foreign borrowings of 1915.

Sir George Paish, when in Canada (1914), stated that the Canadian people owed to Great Britain and the United States not less than £600,000,000. It is evident, therefore, that the total foreign indebtedness of Canada (public and private) is not less at the present time than $3,000,000,000. It is necessary, therefore, after taking into consideration the new capital coming to Canada, in the form of Imports, to find annually a market for $140,000,000 of Exports (in excess of Imports) to provide for interest charges alone. There are some considerations which modify but do not substantially alter this statement. If our exports do not provide for this, it simply means that to the amount of the deficiency we are living on borrowed capital or accumulating arrears of interest.

Should the cost of industrial production in Canada, or other cause, prove a bar to export trade, there remains for consideration the home market as a means

of absorbing the output of our factories. This market, however, is available only if other producers find a market abroad not only for their own proportion of exports, but also for an additional portion. If industrial production does not bear its full share of exports, the deficiency must be made up by agricultural or other primary exports. It is evident that we should not be content with industrial dependence upon agriculture. Yet this is involved in any failure of Canadian industries to secure a fair proportion of export trade.

In Canada, as elsewhere, the decline of rural population is continuous, as shown by the following table:

CENSUS RETURNS OF CANADIAN POPULATION.

—	Rural.	Urban.
	Per cent.	Per cent.
1881	86	14
1891	69	31
1901	63	37
1911	54¼	45¾

Some allowance should be made for the changes in classification owing to the growth of rural centres, but the tendency is unmistakable. "The increase in the urban population is, indeed, one of the most striking facts involved by the Census of 1911. Whilst during the decade 1901 to 1911, the rural population increased by 576,163 or 17.20 per cent., the increase in the urban population was 1,259,165, or at the rate of 62.28 per cent. In the Maritime Provinces and in Ontario, the urban population increased at the expense of the rural, for the latter has actually declined since 1901." (The Canada Year Book, 1914, p. 57.) Further, the importation of food products since 1900 has increased from $5 to $10 per capita[1] In this lies the importance of the "back-to-the-land" movement, for it is evident that this period has been marked either by a startling increase in luxurious spending, or that our new population has not devoted itself even proportionately to primary industries.

The following tables show the growth of imports during five years only (1909-1913):

IMPORTS OF CANADA FROM ALL COUNTRIES.

FOOD PRODUCTS.

—	1909	1913
	$	$
Agricultural produce	25,883,537	46,655,817
Animals and their produce	16,650,647	41,088,978
Fisheries produce	1,709,349	2,674,776
	44,243,553	90,419,571

[1] "Cost of Living," Dept. of Labour, Ottawa, 1915, p. 51.

OTHER IMPORTS.

(NOT INCLUDED IN THE FOREGOING.)

—	1909.	1913.
Spirits	$2,734,553	$5,416,905
Ale, Beer and Porter	531,178	1,347,261
Wines	738,791	1,642,245
Cocoa-Paste, Chocolate-Paste	708,351	1,057,306
Coffee	116,808	227,000
Tea	5,080,278	6,843,620
Jellies, Jams and Preserves	188,440	805,242
Fruit Juices	31,979	127,541
Spices	258,083	378,568
Sugar and Syrups	12,494,113	17,392,146
Candy and Confectionery	400,156	1,541,485
Tobacco, Cigars, etc.	733,134	1,563,617
	$24,015,864	$38,342,936
Totals of foregoing tables	$68,259,417	$128,762,507
Deducting Imports included in above—not foodstuffs	14,912,000	$31,538,000
	$53,347,417	$97,224,507

EXPORTS.

—	1905	1914.
Agricultural Produce	$29,994,150	$198,220 029
Animals and their Produce	63,337,458	53,349,119
Fish Produce	11,114,318	20,623,560
Forest Produce	33,235,683	42,792,137
Minerals	31,932,329	59,039,054
	$169,613,938	$374,023,899
Manufactures	$21,191,333	$57,443,452

The lack of adjustment in Canadian production shown by the following table of Imports is deserving of a greater degree of public attention than it has yet received:

IMPORTS TO CANADA.

—	1909.	1913.
Dried Fruits	$2,920,547	$4,982,945
Green Fruits	5,257,958	9,851,108
Preserved Fruits	133,785	787,828
Vegetables	1,016,248	3,242,214
Eggs	239,127	2,783,665
Butter	223,265	2,081,989
Meats	2,107,474	5,338,673
Fish	1,561,085	2,430,494
	$13,459,489	$31,498,916

The home production of these imports, or of their equivalents would have provided employment in Canada for a large proportion of those unemployed. Sir Edmund Walker has, upon more than one occasion (Canadian Bank of Commerce Annual Meetings), emphasized the importance of securing a better adjustment of production in Canada and has recently stated that "every dollar's worth of merchandise imported which could be made at home, or which could be avoided as an expenditure altogether, is a sin against Canada at this moment."

Problems of national production resemble, in many respects, those of private industry, the question of world, as well as of local, markets calling for extensive and definite information with a view to avoiding under-production, or unprofitable over-production, and over-investment in plant. Such information is important equally to the profitable marketing abroad of Canadian products and to an economic adjustment of industrial occupation; both of which directly affect the stability of labour conditions.

The importance of exports can further be realized from the fact that, until the charges arising from the use of borrowed capital have been met, every dollar of exports, in so far as the goods are Canadian products, means a total production of much larger volume, for the portion exported needs only to be that proportion of production which represents the interest on borrowed capital and the payment for imported raw materials. That is to say, if we put the portion referred to at 25 per cent. every $250,000 of such exports would mean a total production of $1,000,000, the difference, $750,000, being that portion of production which in one form or another remains in the country. It is reasonable to assume that one-third of the $750,000 represents wages. Therefore, $250,000 of such exports, if the proportions are as stated, controls a total production of $1,000,000 and a payment in wages of $250,000.

Steadying Effect on the Labour Market.

If a foreign market could be found for a larger proportion of industrial products, the regular channels of industry would again call for the existing reserve of skilled labour. This, in turn, would to a considerable extent provide employment for unskilled workmen. The amount of employment for such labour is largely determined by the activity of skilled workmen. In times of depression, to plan "work that anyone can do" is to plan a palliative—it is self-contained and has no remedial power. To remedy a stagnation of business, which reveals itself in a general lack of employment, a stimulus must be supplied at the heart of industry. The value of undertakings, having as their object the permanent solution of the problem of unemployment, may, therefore, be measured by the extent to which they call for the labour of skilled workmen.

A further value of export trade is found in the opportunity it offers many industries to overcome seasonal fluctuations and secure capacity output. Consequently, it is also of importance in its bearing upon labour disputes, since the wage problem is largely one of annual income rather than of hourly wage-rate. In a recent important study of "The Relation between Production and Costs," it has been pointed out by Mr. A. L. Gantt, New York, that the attempt to make a product bear the expense of a plant not needed for its production is one of the most serious defects in American industry to-day. "The effect of this," Mr. Gantt states, "is of farther reaching importance than the differences between employers and employees."

By overcoming seasonal fluctuations and securing capacity output, the unit cost of production would practically, in all cases, be greatly lowered. The additional cost would be represented by additional raw materials, additional labour and slightly increased depreciation, due to making greater use of the plants. Overhead expenses and charges on capital invested would remain practically the same. The saving would be so considerable that an export market for the surplus could be reasonably assured.

"Continuity of operation, keeping the staff together, holding the organization intact," says the Hon. W. C. Redfield, "these are the cardinal principles of industry." Industrial unemployment will cease to be a menace in proportion as these principles are carried into practice.

For many reasons, it would appear, therefore, that to secure for Canadian products a world market is of national importance, and it would be well for the proper authorities to consider the advisability of reorganizing and supplementing our foreign trade agencies by the appointment of energetic and capable men, selected wholly for their fitness to promote commerce. By the adoption of new and vigorous measures, something might be done to redress permanently the balance of trade, to restore a satisfactory condition of the labour market, and in part, to provide for the period of readjustment which must follow the war.

The employment, at present, of nearly 100,000 workmen upon war orders and the enlistment in the armies of approximately an additional 225,000 men[1] obscure a situation which had fully developed before the declaration of war in August, 1914. It is of urgent importance that the courses advocated, or other adequate measures, be made fully effective before the close of the war, when we shall be required within a brief time to re-absorb several hundred thousand men into our national and industrial life.

United Effort Called For.

While the Government, through the Department of Trade and Commerce, may do much to facilitate and foster foreign trade, it is evident that little can be done without the whole-hearted co-operation of every class concerned in the use of these new agencies.

Banking facilities are required for long-term credits; questions relating to foreign tariffs and transportation require consideration; technical and trade training are indispensable in order to produce in competition with established industries abroad; greater knowledge of modern languages and of what may be broadly termed the economics of foreign trade, are also of importance.

The united effort of the Government, the Manufacturers' Association, Labour Organizations, Bankers, Transportation Managers and Educational Authorities is needed to develop foreign trade. It is, therefore, highly desirable that the Minister of Trade and Commerce should arrange conferences with representatives of the organizations mentioned, in order to consider and increase the existing industrial exports of manufactures.

For several years, Canadian factories have secured a market through the investment in Canada of very large sums of borrowed capital, amounting during the years 1907-1913, inclusive, to between $700,000 and $800,000 for each working day. Sir George Paish estimates the British loans to Canada between 1907 and 1913 at $1,500,000,000. This is equal to $714,000 each day for 2,100 working days. Mr. F. W. Field has estimated the foreign borrowings of Canada from 1905 to 1913

[1] In his New Year announcement Sir Robert Borden authorized the increase of the Canadian forces to a strength of 500,000.

at $2,276,000,000, which is equal to $843,000 each day for 2,700 working days. An equivalent for this expenditure must now be found by other methods. The adverse balance of trade must be overcome, not by an artificial stimulus such as war orders, but through the response of a healthy national organism to vigorous effort directed definitely to that object.

Proportionate Development.

The importance of expending borrowed capital upon enterprises which are speedily productive has not been generally realized in Canada. Failure to realize this, in the opinion of your Commissioners, has contributed to the recent industrial depression. While a measure of equipment must always precede production, there are dangers connected with large capital expenditures, especially when these are the result of foreign borrowings. When the enterprises are undertaken as the result of Government guarantees, the dangers are greatly increased. In these cases, sufficient consideration may not be given to the question of the necessity for or the economic soundness of the expenditures. Such guarantees transfer the responsibility for the success of the enterprises, in so far as interest payments are involved, and, in some cases, capital payments as well, to the public exchequer. The demand for labour and supplies at such times may create an expansion of business for which there is no permanent demand. When the undertakings are completed, unemployment and business depression are inevitable, unless a speeding-up of production follows to provide a compensating market for both labour and supplies.

Expenditures of new borrowed capital as a remedy for such a condition, unless devoted to rounding-out those already made, and securing productive returns, are simply narcotics postponing and intensifying the adjustment which must inevitably follow. Such spendings, indeed, would appear to be chiefly justifiable when, as a result, production is accelerated to meet the existing as well as the new interest charges involved. Their values should be measured by the effect upon the earning power of expenditures already made. With new capital thus employed, the labour formerly engaged in consequence of the expenditures upon "Plant" would be absorbed in other channels as a result of "Production."

"In every nation," says Professor Mavor, "every year a certain portion of national income—public and private income being taken into account, as well as the major portion of the funds borrowed within the nation or abroad—is devoted to the production of commodities whose production occupies a long time and whose utilities are yielded very gradually over a long period. Of this nature are railways, canals, docks, waterworks, hydro-electrical plants and durable machinery of all kinds, steamships, public and private dwellings, roads, streets and the like.

"Out of the national income, there is expended a further portion upon production which yields more or less immediately realizable utilities. . . . It is clear that it is a matter of the utmost social importance that a certain proportion should exist in respect of these two forms of expenditure . . . If the Government of a country or if a large number of individuals do what no one individual may do with impunity in this connection, viz, spend a disproportionate amount of the resources of the country at a given moment in highly permanent utilities—no matter how advisable the expenditure may have been on many grounds of public or private policy—a crisis must eventually occur."

The only natural economic equivalent for export trade as an agent in stabilizing the demand for labour is a well adjusted system of proportionate production for home consumption. Both objects are deserving of serious consideration, since the

advancement of Canada and the well-being of its workers would appear to depend not upon the special development of either rural or urban industries but upon an all-round development guided and proportioned not only by local demands but by a close study of the opportunities offered abroad for marketing surplus products.

Sir Robert Giffen in "Essays in Finance" points out: "If improvement is to come at all, new countries must seek to compensate their natural liability to great fluctuations by a more prudent rate of expansion, and by a more careful study of the lessons of political economy, the neglect of which may be less injurious to them than to an old country, but is still very injurious."

It must be noted, in this connection, that since 1900 we have spent five times as much upon railways, and like permanent investments, as upon the primary industries of agriculture, fishing and mining.[1]

From the foregoing, it would appear:

1. That, during a period of great national activity, problems of proportionate development, as they relate to production and markets, call for continued study with a view to safeguarding labour from violent fluctuations of demand;

2. That much unemployment has resulted from the cessation of expenditure upon the building of railways, the creation of industrial plants and other secondary industries, without provision being made for equal employment upon works of a speedily productive character, and that, at least for the immediate future, our borrowings should be confined, apart from war expenditures, to money for purposes immediately productive;

3. That since a demand for skilled labour must precede any large increase in the demand for unskilled labour, additional markets should be obtained for the product of Canadian factories, along with an increased use of existing transportation facilities in order to employ profitably the capital locked up in such plants. These objects will be obtained not only by increasing the proportion of population engaged in primary industries—and so lessening the pressure upon the labour markets in our cities—but, also, and possibly more rapidly, by creating an efficient national organization for the express purpose of developing foreign trade.

4. That a system of national statistics designed to form the basis for a comprehensive study of Canadian economic and social problems is indispensable to wise guidance in matters which, like unemployment, are of wider than provincial or local scope.

By the whole-hearted adoption of wise policies, which embody these principles, coupled with strictly enforced immigration regulations, your Commissioners are of opinion that the economic adjustment of occupation and labour in Canada may, to a large degree, be effected.

The above statement is necessarily inadequate; a fuller consideration of the subject would lead to matters not directly connected with the work of the Commission. The object has been to suggest the necessity for careful and continuous study by competent authorities of all matters, which, while not directly nor in all cases related to the immediate problems of unemployment, are of far-reaching importance in their effect upon national economy and, therefore, upon the stability of labour conditions.

As the interests of Canada are involved in the successful harmonizing of its individual enterprises, it would appear that this particular problem should be the subject of consideration by a central department charged with the work.

[1] "Cost of Living," Dept. of Labour, Ottawa, 1915, p. 41.

Section 2.

THE EFFECT OF PUBLIC SPENDING UPON UNEMPLOYMENT.

In the opinion of your Commissioners, it is desirable that Dominion, Provincial and Municipal Authorities should co-operate in dealing with the unemployment which develops in all periods of general business depression.

Such periods occur with considerable regularity. During the last half century, no ten consecutive years have passed without one or more years of general depression. No proposal for meeting unemployment is complete unless based on a frank recognition that these cycles of trade stagnation will recur.

To plan necessary public works and expenditures, for such periods, in order that public employment may compensate as far as possible for a lessened private demand for labour, is, in the judgment of your Commissioners, one of the most effective methods of dealing with the problem of periodic unemployment.

It is not proposed that unnecessary expenditures should be undertaken; but your Commissioners are of the opinion that the public works and other requirements of several years should be planned in advance as a programme, and this should be carried out, when and in proportion as the returns of unemployment show a subnormal demand for labour.

During the period which marks the development of a new country, no group of employers controls directly and indirectly so large an expenditure of capital, as the Dominion, Provincial and Municipal Authorities. Of even greater importance is the fact that no other group controls to an equal extent employment which may be postponed with a view to supplementing the business activities of lean years. In the "Prevention of Destitution" Mr. Sidney Webb writes:

"Without securing an approximate uniformity, one year with another, in the aggregate demand for labour in the community as a whole, it is clear that unemployment on a large scale cannot be prevented. The only possible way in which that uniformity can be secured is, so far as can be seen, the use of the Government orders as a counterpoise to the uncontrollable fluctuations in the other orders."

The policy proposed is designed to answer a double purpose: Its first object is to prevent the creation of an excessive and artificial demand for labour in times of great business activity. Extensive and costly works undertaken by Government, or by private capital with Government assistance, are frequently followed by large immigration to meet a temporary demand for labour. Upon the completion of such work, a period of swollen unemployment ensues, till the workmen are absorbed in other occupations, or leave the country to find employment elsewhere.

The second object of the policy advocated is to plan and store a demand for labour by the Governments to take the place of a lessened industrial demand.

"A scheme of this kind," says Dr. Bowley,[1] would differ from a crude form of relief works in four important ways:

"(*a*) The work concerned would be started before unemployment became acute; say, when the percentage unemployed index reached four per cent.

"(*b*) There would be no artificial demand made for labour, only an adjustment in time of the ordinary demand:

[1] Evidence given before the Royal Commission on the Poor Laws, 1909.

"(*c*) The unemployed, as a class, would not be attracted, for the demand would come through ordinary trade sources, and before there was any considerable dearth of employment.

"(*d*) The wages would be measured only by the work done, being contracted out on the ordinary commercial basis.

"Such a scheme need involve no expenditure save of thought and forethought; is of the nature of prevention rather than cure; and in proportion as the scale of its operation was sufficient, would remove the principal legitimate cause of dissatisfaction of the genuine workman with industrial conditions."

In periods of unemployment, public confidence is shaken, and the fear of an industrial crisis tends to create the very situation it is desired to avoid. At such times cautious creditors call for payment of accounts; retail credits are shortened and purchasers lessen their expenditures; wholesale credits are revised and the volume of orders is lessened; manufacturers reduce their output, fearing a market may not be secured for their products, and, not infrequently, wages are reduced. The cumulative effect of such loss of confidence is that production and employment become less than the situation requires, and supplies become depleted. Factories stand idle, or partly idle, until new and increasing demands call for a speeding up of production, the corner is turned abruptly from stagnation to activity, the pendulum swings from one extreme to the other.

By the adoption of the policy proposed, extremes would be checked, an equalization of demand would result, and more stable conditions of employment would be established.

The concensus of opinion elsewhere, which favours these proposals, is best shown by extracts from the reports of public bodies, which could be multiplied at will.

The Majority Report of the Royal Commission on the Poor Laws (Part 6, Chap. 4, London, 1909) states:

"The Indian Government has, probably, the most highly organized system of administration known . . . Yet, even with the advantage of these rare administrative powers, experience has taught the Government that public works for the relief of distress cannot be improvised, that unless an emergency is anticipated by a careful preparation of schemes in advance, waste and demoralization are certain to ensue when the emergency arises. The duty is, therefore, imposed upon every province and district to have schemes of this character thought out and periodically revised, and ready to be put at once into operation when the emergency arises; and all the engineering departments of the different provinces are so instructed and so act."

"We, therefore, suggest that schemes for special works be prepared and drawn up by the local authorities in co-operation with other authorities, and be revised from time to time."

The Minority Report of the Royal Commission on the Poor Laws (Part 2, Chap. 5, London, 1909) states:

"It is an advantage of this method of executing the public enterprises of capital value which the nation requires during each decade, that it is actually cheaper than doing them year by year without thought of the labour market. For (what is usually forgotten) capital is unemployed and under-employed to at least as great an extent as labour. It is in the lean years of the trade cycle, when business is depressed, that most capital is unemployed and the bank rate is at its lowest. It is, accordingly, just in the years that Government works are

needed in order to keep up the national demand for labour that Government can borrow at the cheapest rate."

The American Association on Unemployment (A Practical Programme for the Prevention of Unemployment in America, pp. 12 and 13, 1914), holds that:

"Public works should be made, as far as possible, to act as a sponge absorbing the reserves of labour in bad years, and slack seasons, and setting them free again when the demand for them increases in private business.

"This should not be 'Relief Work' or 'Made Work' simply to keep idle hands busy, but should be necessary public work which would have been undertaken normally in the course of time, but which can be concentrated in the time of emergency. Such work would be the construction of additional buildings for schools and colleges, of roads, bridges, electric and steam railways, foot-paths, parks, the making of improvements, such as paving and draining, the building of hospitals, sanatoria, laboratories and public buildings, the improvement of harbors, the development of canals and means of inland navigation, the reclamation and drainage of waste lands, afforestation, the making of supplies for public institutions, such as clothing, uniforms, or furniture. Each community will be able to think of special kinds of public works which need to be carried out for the development of the district."

These findings are endorsed by Mr. W. H. Beveridge, the Director of the British Labour Exchanges (Unemployment, a Problem of Industry, 1912, pp. 230-231.)

"Though it may not prove possible to eliminate the causes of industrial fluctuation, it may be possible, up to a certain point, to counteract the fluctuation itself, by getting as much public work as possible done when private work is slack, but done under the usual business conditions."

Evidence of the attention now being given to this important question in Great Britain is found in the fact that in May, 1914, a Committee was appointed by the Treasury, "To consider whether any, and if so, what steps might be taken with a view to regularizing the total demand for labour from year to year, and in different seasons by adjusting the distribution of public works conducted or given out by Government Departments and local authorities with reference to the state of employment in the particular trades from time to time."

It will be noted that the measures advocated by these authorities are applicable equally to the expenditures of the Province and Municipalities. Wisely carried out, they may be made effective as a remedy for both seasonal and periodic fluctuations in the demand for labour.

The successful carrying out of the policy here outlined may necessitate a system of guidance, and a measure of control of public spending, such as is maintained in Great Britain by the Local Government Board.[1]

[1] In this connection, see Appendix D, Local Government in Great Britain and Canada, by Mr. Thomas Adams, Commission of Conservation, Ottawa.

Section 3.

THE REGULARIZATION OF EMPLOYMENT BY EMPLOYERS.

One of the greatest services governments can render to remedy unemployment is, by careful planning and forethought, to provide a demand for labour, which can be controlled and adjusted so that the total national demand each year may be equalized. The greatest service private industry can perform for the same object is by planning and forethought to ensure steady employment from month to month for the same body of workers without seasonal or other fluctuation. "Regularization of Industry" is the term now being applied to the study and effort directed to this subject. Governments can deal most effectively with periodic, private employers with seasonal unemployment, and the organized effort of both is called for to ensure the success of measurably adequate remedies.

In recent years much attention has been centred upon this subject by the Government of the United States and by large employers of labour; in Boston, New York and Philadelphia, associations of employers have been organized for this purpose.[1] The object of these associations has been outlined to your Commissioners by Mr. J. H. Willits, Instructor in Industry, Wharton School of Finance and Commerce, University of Pennsylvania, and will be found at the close of this section of the Report.

Irregularity of employment exists in Canada, but probably not to the same extent as in the United States. One large Canadian business establishment reports an annual turnover of labour, equal to 70 per cent. of the total number of employees; other enquiries show a turnover of from 25 to 50 per cent.

Evidence of an interesting character was submitted to your Commission outlining what is now being attempted by some of the industries in Canada to overcome, as far as possible, seasonal work, and thus secure a steadying of employment.

One firm of printers and binders engaged in the manufacture of school books required in September and October, commence printing in January instead of May or June, thus avoiding night work. This, of course, requires facilities for carrying the goods until the date of delivery, and ties up capital; but it is found that such disadvantage is more than offset by the elimination of night work, by keeping experienced workers busy the year through and by the improved character of the work turned out.

Firms engaged in making articles for the Christmas trade had found themselves idle during the earlier months of the year and rushed beyond measure at the last moment in order to make deliveries in November and December. As a remedy for this, they adopted the plan of securing advance orders in the spring of the year. Upon all orders for the Christmas trade placed before midsummer, they deduct ten per cent. from the price, thus placing a premium upon these advance orders. The results have been excellent. They have been able to do without night work—and to run in larger quantities without change on their machines. This ten per cent. is more than made up to the manufacturer by the amount he saves in larger runs—in the elimination of night work and by retaining on his staff skilled helpers to whom he thus gives steady employment.

[1] See also Appendix C. Dr. John B. Andrews, Secretary, American Association for Labour Legislation.

Under the old system trained employees scattered, and when the rush season came on their places were often taken by unskilled help. This method of securing advance orders works out to the advantage of all concerned. The manufacturer is able to turn out a more satisfactory product at a minimum of cost: the purchaser secures a better article at a reduction of ten per cent., and the employee secures steady employment throughout the year.

Few firms realize the extent of their own turnover of labour. Investigation has shown in many cases that this is large. The New York State Factory Investigating Commission[1] states in its Fourth Report (1915): "In 11 large New York stores, with an average total force of 27,264, there were added during the course of a year 44,308 persons and 41,859 left or were docked. In other words, more than once and a half as many people flowed through the stores as are usually employed in them at one time."

The effect of effort directed to the reduction of this turnover is well illustrated by the experience of several large firms in the United States. A clothing firm, which in 1910 had a standard pay roll of 1,044 engaged in the same year 1,570 new hands, showing a turnover of 150 per cent. The improvement resulting from a realization of their responsibility and effort directed to reform is shown by the pay roll of 1914, when the turnover was reduced to 35 per cent. A boot and shoe factory, through careful planning of both selling and manufacturing, reduced the turnover of employees almost to the point where fluctuations were entirely the result of sickness, marriage, moving or other personal causes. The annual business done by this factory is about $15,000,000.

Your Commissioners are of opinion that less fluctuation of employment would exist, if employers made conscious effort to overcome seasonal irregularity of output and to lessen the annual "turnover" of workers by better methods of engaging and training workers.

Your Commissioners recommend that the Provincial Labour Commission confer with the Canadian Manufacturers' Association, with a view to its co-operation in impressing upon all employers of labour, their share of the responsibility for lessening the extent and burden of unemployment. It is believed that employers of labour in every department would more fully recognize the division of responsibility for the evils of unemployment if they were pointed out by industrial leaders who command the confidence of employers, and your Commissioners have reason to believe that in this way the objects desired would be measurably procured.

Mr. Willits has stated to the Commission in reference to employment conditions in the United States:

"We have felt that after all the chief responsibility for the irregularity of employment rests with the individual firm. In fact, simple efficiency would dictate that employers remedy this to the greatest possible extent. We have accordingly organized an association (Philadelphia) so that there may be a discussion of the more advantageous methods, and a pooling of experiences about

[1] Report of the New York State Factory Investigating Commission, 1915, p. 140.

employment practices with the view of having employers not merely increase the efficiency of their employment departments, but also take a larger share of responsibility for such evils among employees as unemployment. That is to say, we hope to make the association practical enough to appeal to employers and with sufficient social vision to ensure better conditions for employees."

The viewpoint of the leaders in this new movement is then stated by Mr. Willits, as follows:

"No one can deal as effectively with unemployment as employers.

"Some of the more important practices adopted by progressive and enlightened employers, which are leading to greater regularity of employment are:

"1. Collection and study of facts of lost time in each plant.

"2. Reduction of high labour turnover.

"3. Co-ordination between the manufacturing and selling departments of a business.

"4. Reducing the burden from unemployment."

1. *Collection and Study of Facts of Lost Time in Each Plant.*

"The first thing of which employers must do more if their efforts against unemployment are to become more effective, is to make a more thorough study of the facts and costs of unemployment in their own plants. Surprisingly few employers have any exact idea of just what approach they make to full time operation in any given period. Every firm should collect daily figures which will furnish a running guide as to how near full time operation is being reached. Until a firm obtains such figures, it is almost certain to underestimate the amount of time it loses; it will not know the effect of unemployment on its own personnel; and it will not be in a position to isolate the causes of unemployment for separate attack. Occasionally, a large reserve of labour is held so as to be ready to meet a rush demand. In other cases, the reserve is due to a miscalculation of the speed with which the market will expand, or to an actual decline in demand."

"The ideal attitude on this point is stated by Director Morris L. Cooke, Philadelphia Department of Public Works. 'The goal for a given establishment is a definite number of employees each working full time—without overtime—and at maximum wages and with no changes in the personnel. This 100 per cent. result is not possible of achievement, but is a good standard with which to compare such results as are obtained. Every industrial establishment should, theoretically at least, give itself a rating as to the number of men and women it employs. This figure will change from time to time and in a successful plant will constantly tend to go up, but neither additions to nor subtractions from this number should be made without more thought than is usually given to it. After an industrial establishment has decided to make conscious effort to keep a full staff fully employed, to add to the regular number of employees without adequate reason, may just as surely operate against accomplishing this desired result as it will to cut down the staff.'

"One way by which employers can operate with a smaller force and secure more steady employment for those in its employ is by training a small percentage of the employees to do several tasks. Where each employee does but one task, each department tends to maintain enough help on its pay-roll to meet its maximum demand for labour. As a result, much time is lost by some of these workers.

Where a firm systematically trains a group of employees to do several tasks, these workers serve as a common reserve and steady employment for those on the pay-roll.

2. *Reduction of High Labour Turnover.*

"Closely related to the maintenance of an excessive labour reserve is the question of high labour turnover. Many employing concerns hire and discharge approximately as many men during a year as they maintain on their pay-roll. That is to say, they have a labour turnover of 100 per cent.

"High labour turnover affects unemployment in many indirect, yet fundamental ways. First, it usually happens that it is the least efficient and lowest paid men who shift from place to place. This adds to the demoralization of such men. Second, the constant flow of labour from shop to shop means that there is not much chance for the development of skill and fitness for that job, or personal adjustment with the employer. With the human resources undeveloped, the employer makes less effort to hold on to his force by offering steady work. Finally, this kaleidoscopic movement of men from plant to plant serves to make indefinite the demand for workers in a particular trade, for each man reasons that his turn will come next. As a result of this reasoning—I will soon get a chance—an excessive labour reserve accumulates in certain industries, as for example, at the docks.

"One sees immediately the fundamental connection between high labour turnover and unemployment, when one considers the tremendous cost to employers of this excessive hiring and firing, and realizes that fluctuations in employment must be reduced if the working force is to be stabilized. As an employer who has made a careful study of the matter of labour turnover put it: 'The real point of the matter is that, if you have a trained worker, say at $18.00 a week, and it becomes evident that work is going to be slack for ten days or a couple of weeks, it is cheaper to retain the man, with his experience and knowledge of the company's way of doing business, than it is to engage a new man, without experience, at the end of that period. This argument can be pushed too far, but at present hardly any attention is being given to it at all.'

"Surely employers will attempt to do away with this excessive hiring and firing when they realize that it costs from $30.00 to $200.00 to break in a new employee. That they can do it successfully, if they give their serious attention to it, is shown by the example of almost every firm that has tried it, but to accomplish satisfactory results, a great deal more attention must be paid to the 'man' problem as distinguished from the 'machine' and 'materials' problems. The prevailing method of hiring and firing of men by foremen of departments breeds misfit, dissatisfied employees, who are apt to leave or be dropped after a short time. This unscientific method must be replaced by functionalized employment departments. The departments must be in charge of a high grade man, who is able to fit the right man to a job and will so supervise the conditions of work that employees will be content to remain.

"One of the duties of such an employment manager will be to ensure the adoption of an adequate training system.

"Many firms have no training system worthy of the name. As a result many employees leave because they find it impossible to get the 'hang of the job.' Finally, the employment department must be charged with the duty of studying the unemployment problem of that particular firm and endeavour to suggest methods by which steadier work may be assured to each employee.

3. *Co-ordination Between the Manufacturing and Selling Departments of a Business.*

"Entirely too little responsibility is accepted by the sales department or the sales agent of the average firm for helping to bring about regularity of production by securing regular orders for the manufacturing department. Too often the salesman has followed the policy of selling that which was easiest, expecting the manufacturing end to be able to cope with whatever he might turn in, in the way of regular orders. There must be more articulation between the two, with more authority for the manufacturing end.

4. *Reducing the Burden of Unemployment.*

"Altogether apart from the question of making employment steady, the employer can do a great many things which lessen or increase the burden of unemployment. For example, he can make unemployment easier, by giving advance notice of lay-off, by distributing the work during a severe depression among as many individuals or families as possible, by grouping the lay-off days during a dull period in such a way that two or three off-days will come together and can be utilized in picking up an odd job or two. Or, he can make unemployment unnecessarily burdensome by refusing to pay employees save at long intervals, or by not paying a new man until he has worked two or three weeks.

"That employers can do more to steady their own employment is suggested by Mr. Henry S. Dennison of the Dennison Manufacturing Company, Philadelphia. 'I think it is almost beyond argument that the greatest chance for bettering conditions or irregularity of employment rests in the hands of employers. It is, of course, a hard question, but not a bit harder than a thousand questions of machinery, of material, or of merchandizing, that have been faced and solved by employers in the past and are being solved without much fuss and feathers every working day in the year."

"The responsibility of employers has also been dealt with by Director Morris L. Cooke, of Philadelphia.

"'Steady employment can be made very largely a problem of the individual employer. It is true, of course, that the ebb and flow of immigration, fluctuations in the tariff, general trade booms and depressions, and such world cataclysms as the present war, bring about unemployment. At such times the individual employer may have all he can do to keep the industrial ship afloat. But my theory is that the problem of unemployment is a problem of *good* times rather than of *bad* times, and that say 90 per cent. of all the unemployment which makes men and women suffer and which demoralizes and degrades them can be eliminated by proper organization within our factory walls.'

"As a result of this conviction, Mr. Cooke invited the employment managers, labour superintendents and others in charge of the labour policy of business concerns in Philadelphia to form a permanent Association for the discussion of regularization and other human and efficiency problems in employment. Associations of a similar character had already been formed in New York and Boston.[1] As a result of Director Cooke's invitation, the Philadelphia Association for the Discussion of Employment Problems was formed, for the purpose of holding

[1] A similar organization has since been formed in San Francisco.

monthly meetings during the winter months at which methods of choosing, assisting, training and directing the labour forces of business organizations will be discussed with a view to ascertaining the best principles governing employment.

"This Association now includes about forty of the larger and more progressive employing concerns in Philadelphia. At each meeting, the discussion is opened upon some phase of the employment question by some one who has made a special study of that phase. For example, Mr. P. J. Kelly, Employment Manager of the Dennison Manufacturing Company, discussed the methods which that firm had adopted to stabilize the working force. At a future meeting, Mr. Magnus Alexander of the General Electric Company will discuss the cost of labour turnover and steps that may be taken to reduce it. At another meeting, held just after a new Workmen's Compensation Law was passed, the law was discussed with a view to ascertaining the most effective and fairest methods by which firms could accommodate themselves to the workings of this law."

Section 4.

LAND SETTLEMENT IN CONNECTION WITH UNEMPLOYMENT.

Your Commissioners recommend community and assisted settlement, with Provincial Farms and Agricultural Training Schools at selected points, as the basis of Provincial Land Settlement.

The linking together of the personal and material factors which enter into community life is indispensable to the happiness and prosperity of settlers. Social intercourse, recreation, facilities for education and centres of religious worship are not less important than things which have a market value as a means of ensuring prosperity. Conditions of success are complied with to the extent that the occupations and variations of talent of older communities are transferred into new settlements.

Closeness of settlement secures such services as co-operation in labour, sawmills, grist mills, schools, church organizations, general stores, post offices, medical attendance, and the like. A further advantage is offered in the marketing of produce, carload lots of which can be more economically distributed and more profitably sold than broken lots prepared for no special market. Guidance as to markets, methods of preparation and standardization of products will be available at the Provincial Farms. All forms of co-operation in production and in marketing, which add materially to the success of farming communities are possible only in close settlements. The many advantages of such co-operation are fully and ably dealt with in Bulletin 192, "Agricultural Co-operation," issued by the Agricultural Department of the Ontario Government. The land itself would become more valuable through growth of local markets, the development at suitable points of electric power for industrial purposes, and an extension of living amenities, such as electric light, telephones and satisfactory transportation.

Provincial Farms and Training Schools.

The Provincial Farms are designed (*a*) to carry on the Settlement Policy to be adopted; (*b*) to supply agricultural guidance and supervision to the districts in which they are located; (*c*) to conduct Training Schools for farm labour; (*d*) to serve as centres for public services which otherwise are necessarily confined to towns and cities; (*e*) to raise live stock for settlers as a part of Settlers' Loans recommended elsewhere in this section.

Each Farm, under the plan proposed, would serve an area of not less than 300 square miles. When the district was fully settled not less than 1,000 families would be within ten (10) miles of such a centre. The aim would be to concentrate settlement around each Farm until not less than fifty (50) families should be provided for, when additional Farms, at the discretion of the Government, could be established. Family settlement is advocated and the work as far as possible would be designed to this end.

The nature of the Provincial Farms must not be misunderstood. It is not proposed to erect expensive houses and barns equipped with all modern conveniences and surrounded by ornamental grounds. On the contrary, these Farms would fail of their purpose if they exhibited a level of expenditure and type of living beyond what should form a reasonable standard for the neighborhood. The management would naturally lie in the hands of competent Superintendents.

Associated with them would be Assistant Superintendents whose duties would resemble those performed by the present District Representatives of the Ontario Department of Agriculture. During the early years of settlement, the work of these officers would be of far-reaching importance. It would be their duty to advise as to the crops best adapted to the soil and climate, and to disseminate this information for the benefit of all the settlers. To them would also be allotted the study of what may be comprehensively included under the general term of "marketing." No one service for some years would prove of equal value, since successful colonization calls for the organization of distribution as well as of production.

Apart from the establishment and cultivation of these Farms, expenditures in connection with the Settlement Policy would be governed automatically by the number of settlers and the extent of land developed.

The labour in the Training Schools would be an important factor in the economic establishment of the Provincial Farms and in the development of the District. When reasonable efficiency had been acquired, the men probably would engage in farming for themselves within the district or find employment elsewhere as skilled farm labourers. To this end close co-operation would be maintained between the Farms and the Provincial Employment Offices.

To clear land and otherwise improve Partly Prepared Farms for sale might also provide work for those in training, but in all cases steps should be taken to ensure settlement as soon as possible after this work had been completed.

Assisted Settlement.

To enable desirable immigrants and others having small capital, but with satisfactory experience, to engage in agriculture in Ontario, it is recommended that the Government assist settlement by some form of loan, not exceeding the amount invested by the settler in equipment or in payment for land. In agriculture, as in manufacturing, there are economic units of plant. Lack of capital frequently means the under-stocking or under-cultivation of farms with consequent discouraging returns of profit. The increased equipment made possible by such loans might be the factor otherwise missing to ensure profit and the permanency of the undertaking. Applicants would be required to pass a satisfactory examination showing that they had the experience and character considered necessary for success. It may be found of advantage in some cases to make loans in kind instead of in money. Suitable live stock supplied from the Provincial Farms would be desirable for this purpose, and the raising and care of such stock should form one of the occupations in connection with the Training Schools. During the term of the loan, holders of land grants would have all the rights of freehold except the right to sell without consent and the right to keep the land idle.

A Special Loan Fund should be created for selected settlers who lack initial capital. Graduates of the Ontario Agricultural College who have invested capital in training and experience, which otherwise would have been available for the purchase of land, might by such means overcome the barrier now separating them from applying their ability profitably to agricultural pursuits in Ontario. It is the lack of initial capital which diverts this stream of skilful farmers away from its natural channel into urban occupations. Loans on the surety of character and experience have been negotiated upon an extensive scale in France, Denmark, Great Britain and elsewhere and have proved entirely satisfactory as to repayment. (Ontario Department of Agriculture. Bulletin 192.)

To guard against loss, security covering the entire holdings should be taken and any settler neglecting to fulfil his obligations should be proceeded against in the usual manner. Interest should be charged to return to the Government one per cent. in excess of the cost of the bond issues covering the advances. Payments should not be required from settlers before the end of the third year. The use of the loans should be confined to capital investment.

Part-Time Wage Earning.

Returns from agriculture require a longer time for maturity than those from many other forms of industry; and this period-of-waiting forms one of the most serious handicaps in new agricultural settlements. A plan by which settlers might devote part-time to their own work and part-time to wage earning in the employ of the Government in opening up the district, would therefore greatly assist those having small means over a period of otherwise possible hardship.

Necessity frequently compels settlers, who are endeavoring to clear and bring their land under cultivation, to leave the district and find employment elsewhere in order to supply their immediate wants. This necessity retards development, and in not a few cases settlers, discouraged by the difficulties confronting them, relinquish their homesteads and seek urban employment. In other cases they retain the land, barely complying with the Government regulations as to residence, and leave the district hoping for a development by others which will secure for them a profitable sale of their holdings or justify their return to the farm. If part-time employment were available in the district, such settlers would be enabled to proceed more rapidly with the development of their own land and would not be lost to agricultural pursuits. The plans recommended would, doubtless, induce many of these owners, who have had this unfavorable experience, to re-engage in farm work.

It is recommended therefore that necessary public works in the district should as far as possible be planned to provide such part-time employment for settlers. The clearing and draining of land and road construction would be desirable forms of such public works, but should not be proceeded with greatly in advance of actual requirements. In some districts, it may also be found desirable to erect fences, dig wells and build barns, but loss would follow any failure to secure the speedy settlement of such partly prepared farms.

The adoption of the plans proposed would not involve uneconomic expenditures; on the contrary the object of the whole Settlement Policy would be to link closely together all expenditures—public and private—in order to ensure economic and speedy units of production.

Résumé.

From the outset, it would be clearly laid down that the Government gives no guarantee of success; this rests finally upon the capacity of the settler. The Government would provide experienced guidance, and when thought advisable, additional equipment upon a scale justifiable under a well-regulated system of Rural Credits. An ordinary system of rural credits in which the farmers jointly guarantee the security of the loans is not possible in new settlements where little is known by one neighbour of another's character and ability; it appears necessary, therefore, that such credits should be arranged for by the State.

In the opinion of your Commissioners, Community Settlements, provision for tiding over the early period-of-waiting for returns, and competent guidance as to

crops and marketing, are essential to the success of new land settlement, and for the solution of the problems developed in connection with existing settlements.

The first outlay called for would be the establishment of Provincial Farms. The cost of these, including buildings, stock and equipment, would probably not exceed $25,000 each; with the growth of the Training Schools, which it is proposed shall be established in connection with the Farms, a small additional amount would be required. When this expenditure was completed the Government's Settlement Policy for that District would have a Headquarters and be ready for operation. Expenditures thereafter would be governed by the amount of settlement actually secured. Where necessary some road-building and clearing would be proceeded with, but the policy would be to keep all such expenditures as far as possible to provide part-time work for the settlers. In proportion as settlement was effected such work would naturally be speeded up. Closeness of settlement would be secured by the opening up of districts only as required.

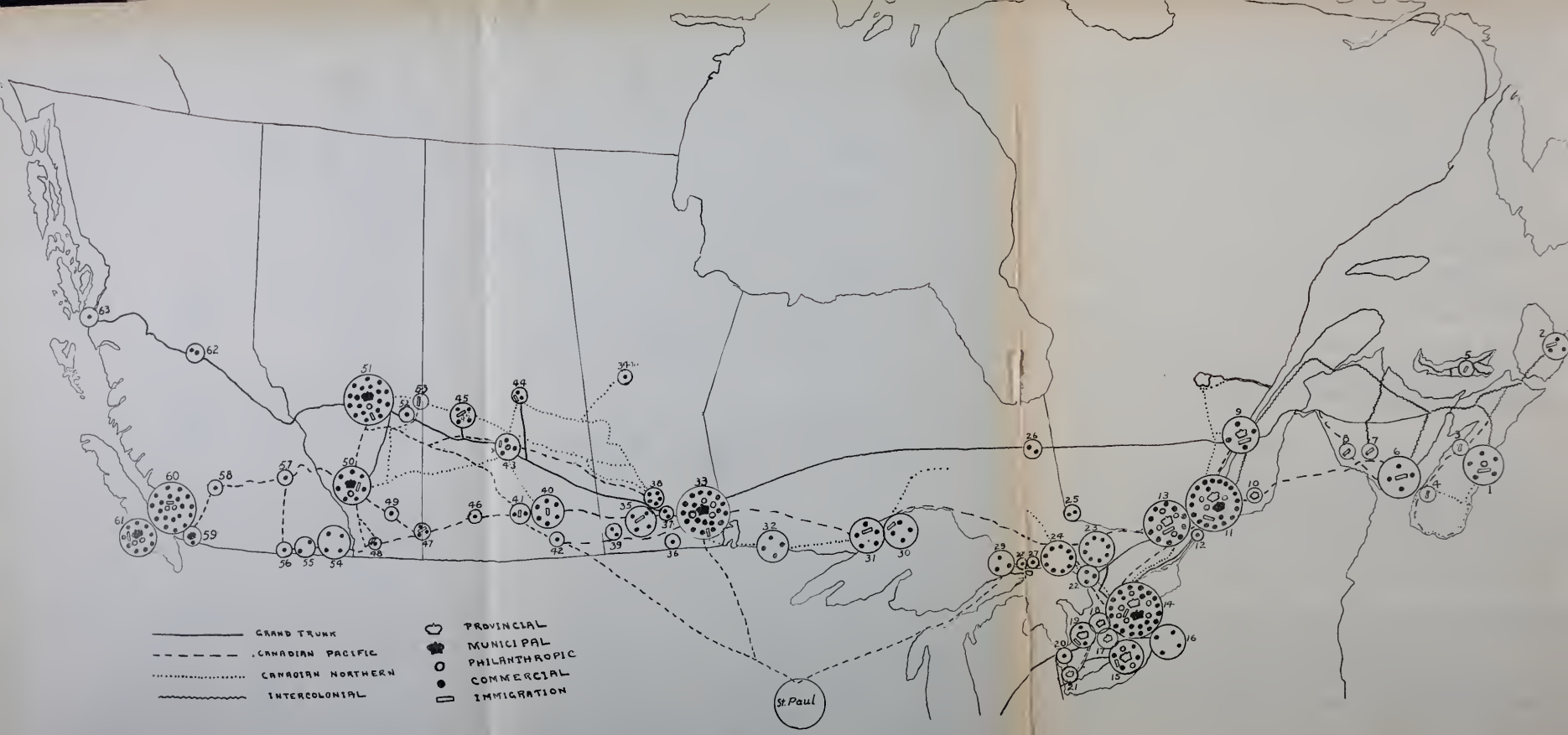
An important point in favor of the plan outlined is that it does not involve the expenditure of large sums of money in advance of results. Outlays would be wholly for productive work and the security in the case of loans would be ample to prevent any large losses.

If adequate publicity were given to this policy of Provincial Land Settlement, a desirable class of settlers, not now available, would be attracted to the undeveloped lands of the Province. They would feel assured that all measures to secure safety and a reasonable degree of convenience would be forthcoming. They would not be prevented from settling by fear of entire absence of social life, isolation and possible insecurity.

To make the above plans effective the Government may find it desirable to withdraw Crown lands now open for settlement and after a careful study has been made of the existing situation to re-open only those districts which appear best suited for intensive settlement, taking into consideration present developments. It may also be found advisable in localities where dormant or abandoned farms make the success of the remaining settlers difficult if not impossible, to consider the expropriation of such farms and the re-granting of them to settlers who will develop the land and remain permanently in the district. It appears desirable that moneys available for such purposes should be concentrated to ensure the success of the districts re-opened for settlement and the new centres selected for Provincial Farms.

Your Commission believe that the responsibility for the work outlined should be placed under the control of a small non-partisan Board who, from their personal character, would be likely to carry out the plans and policies adopted by the Government under a strong sense of honourable responsibility.

The work already engaged upon by the Government of Ontario to an extent anticipates some of the policies proposed. It has seemed advisable, however, to recommend a complete programme even though this covers measures already in operation.



EXISTING EMPLOYMENT OFFICES IN CANADA.

This chart gives the location of the various employment offices now conducted in Canada by Provincial Governments, Municipal Governments, philanthropic and commercial agencies and immigration authorities. The character of each office is indicated by a distinctive sign, as explained in the margin, a white crown meaning "Provincial Government," a black crown "Municipal Government," etc., etc. The figures attached to the circles correspond with the cities and towns named in the subjoined list:—

1. Halifax.
2. Sydney and North Sydney.
3. Windsor.
4. Annapolis
5. Charlottetown.
6. St. John.
7. Fredericton.
8. Woodstock.
9. Quebec.
10. Sherbrooke.
11. Montreal and Westmount.
12. Lachine.
13. Ottawa.
14. Toronto.
15. Hamilton.
16. St. Catharines.
17. Brantford.
18. Berlin.
19. London.
20. Sarnia.
21. Walkerville.
22. Parry Sound.
23. North Bay.
24. Sudbury.
25. Cobalt.
26. Cochrane.
27. Massey.
28. Thessalon.
29. Sault Ste. Marie.
30. Port Arthur.
31. Fort William.
32. Fort Frances.
33. Winnipeg.
34. The Pas.
35. Brandon.
36. Morden.
37. Portage La Prairie.
38. Neepawa.
39. Souris.
40. Regina.
41. Moose Jaw.
42. Weyburn.
43. Saskatoon.
44. Prince Albert.
45. Battleford and North Battleford.
46. Swift Current.
47. Medicine Hat.
48. Lethbridge.
49. Bassano.
50. Calgary.
51. Edmonton.
52. Tofield.
53. Lloydminster.
54. Cranbrook.
55. Fernie.
56. Nelson.
57. Revelstoke.
58. Kamloops.
59. New Westminster.
60. Vancouver.
61. Victoria.
62. Fort George and South Fort George.
63. Prince Rupert.

Immigration officers are stationed at the following points in Nova Scotia:—Sydney, North Sydney, Windsor, Annapolis and Halifax.

CHAPTER II.

PROVISIONS DEALING WITH THE MOBILITY OF LABOUR.

Section 1.

PUBLIC EMPLOYMENT BUREAUX.

The Ontario Commission on Unemployment have unanimously agreed that some form of public employment office should be established by the State to replace the system now in operation in Ontario, which is in need of being modernized and made efficient.

With the great development of Canada since 1896, the character of unemployment has changed in two respects. This country now receives, in normal years, several hundred thousand immigrants. An increasing number cannot speak the language and are unfamiliar with Canadian economic life. Those who remain in Ontario find themselves a part of a system which engages and discharges thousands of workers every week. All this has resulted in a loss of working time for individuals which has passed unnoticed by the public. The growth of industry also has been affected by the fact that labour has not been guided where work may be found.

During the period of change, a number of private agents have made it their business to bring together workmen and employers. In 1914, their income from fees alone, amounted, in Ontario, to nearly $60,000. In years of better trade, this sum has certainly been greater. Nor does it include the whole cost of these agents to the public. Sums gained by fraud and coercion form a considerable item whose size cannot be determined. The Dominion Government maintains inspectors as a check on such agencies. The sum thus spent in salaries and transportation is an addition to the total. Any careful estimate of the financial burden which these agencies involve should not omit such items.

As a substitute, public agencies have been established whose work is discussed in another part of the Report. So far as this Province is concerned, their competition has not been effective. The private agencies still hold the field. They have developed only because they render to capital and labour services of more value than the charges which they make. New agencies will not displace them, unless they do the same work more effectively.

If an agent finds employment for the unemployed worker sooner than the worker could find employment for himself, he does the worker a service just as when he places men out of work, he does the employer a service and increases production. In no case can he prevent unemployment; but he can do much to reduce the leakage between jobs.

Thus, the private employment agencies now working in Ontario may do much more for the Province than return to the public their bare expense of upkeep. They may produce an increase in production, and in the public revenues, equal to several times their cost. And yet, of all the systems designed with this object in view, the present is perhaps the least desirable. The private employment agents deal with those workers whose need of help is greatest, and who can least afford to pay for such assistance. For the most part, they deal with men whose

ignorance of the language makes them an easy prey to frauds of every kind. The fact that employment agents receive a license from the Government gives them the confidence of foreign immigrants, but cannot give adequate protection from unfair practices. Nevertheless, the convictions secured by Government Inspectors have closed more than half the private agencies which in 1914 were operating in Ontario. Some alternative which serves the workers without defrauding them is clearly needed at the present time.

On this ground alone there is reason for the maintenance by government of a System of Employment Bureaux; but apart from the fact that such Employment Bureaux could serve the public more honestly, more efficiently and at less expense than private employment agencies, they can discharge another task which few private agencies have ever undertaken.

Our laws forbid employers to tempt prospective immigrants with definite promise of employment. Thus, we compel them to choose a place of settlement, with no real knowledge of their prospects. Moreover, steamship companies and booking agents, even without a bounty, are interested in maintaining a large immigration, whatever the reaction on this country. Individual immigrants come to Canada, for whom there is no prospect of continuous employment. Cases have been known of skilled workers who reached this country only to find that their trade did not exist in Canada. Others, who would do well in particular districts, have settled in ignorance elsewhere.

An immigrant's first year in Canada is the most important epoch in his life. With proper guidance, he should become a productive Canadian; without it, he becomes too often a charge upon society. Thousands of our immigrants are not an asset but a liability.

One function of an employment bureau would be to direct all immigrants toward those occupations for which their previous training fitted them and so prevent the congestion of the market for unskilled labour, which occurs in spite of efforts to regulate immigration. Moreover, we need a register to mark the movement of population, to check immigration as soon as hard times come, and to increase it when trade recovers. This can only be secured in the regular reports which a System of Employment Bureaux will provide for Immigration Officers in Europe. Equipped with information of such a character, they can tell prospective immigrants whether this country will offer them a home, and where.

Such a System of Employment Bureaux may be maintained either by cities acting on their own behalf, by the Provincial Government, or by the Federal Authorities.

Your Commission has carefully considered the relative advantages of each of these alternatives; and the desirability of a centralized system may be seen from a statement of conditions essential to the success of all Employment Bureaux. First, they must be managed by men who find in this work a career. To secure men of keenness and ability, there must be some prospect of promotion within the profession itself. Second, the system must be divorced altogether from charity; men should be sent to situations because they can fill them satisfactorily, and not merely because their need of work is great. Thirdly, full use must be made of the mobility of labour, for much unemployment results from a local surplus of labour, which is balanced by corresponding shortage in another place. Lastly, the methods of registration and accounting should be uniform, since it is vital to the Province to receive regular reports, compiled on a uniform basis stating, not in general terms, but in detail, the condition of the labour market.

As regards the first of these four essentials, it is difficult for isolated cities, which give their staff no prospect of promotion to the larger Bureaux, or to still more responsible work in a Central Office, to secure men of sufficient keenness and ability. As regards the second, it has been the practice of Civic Registration Bureaux, both in Toronto and Ottawa, to give employment to those whose need is greatest, whatever their efficiency. Private employers are thus deterred from using them. In Ottawa this has mattered very little, since the Bureau was opened to deal with employment in the city government, but in Toronto the mistake has had serious results. Thirdly, no decentralized system managed by the cities can effect the transference of labour, which is possible with a system embracing many cities. Lastly, with regard to registration and accounting, while, in decentralized systems of this kind, it has been possible to produce some uniformity, the delays have been great, and the result is incomplete.

On all these counts, the cities are at a disadvantage. Within limits it is true that the larger the scheme of operations, the more effective the result. The problem of unemployment requires as a first essential efficient organization of the labour market. Since for this purpose some unit larger than the city must be chosen, the question is one between Provincial and Federal control.

A Provincial System will depend to some extent on the development of similar systems in other Provinces. The Federal Government can do much to stimulate the same activities elsewhere. The suggestion has been made in the United States, that Congress subsidize the State Employment Bureaux, by distributing among them $250,000 annually, in proportion to the work of each. Assistance from the Dominion Government might take this form, on a scale adapted to the size of Canada, or might include franking privileges for the correspondence of employment bureaux. In this way, substantial help could be given to these offices without the payment of a money grant.

Whatever the form of encouragement, it should be given only to Provincial Employment Bureaux which observe certain definite conditions. The Dominion Government can thus co-ordinate the Provincial Systems, and secure uniform statistical returns from every Province, of value both to business and to government.

Moreover, the seasonal movement of labour from province to province can be guided only by the Federal Government. The westward migration of harvesters cannot properly be supervised, either by the Prairie Provinces, or by the Government of Ontario.

There is another problem, with which this is closely connected, whose solution belongs to the Federal Government. It may be hoped that the supervision and encouragement of Provincial Employment Bureaux will at some time enable the Federal Authorities, through the Labour Exchanges in Great Britain, to help guide the movement of labour within the British Empire. Attention is directed in Part I, Chapter 3, Section 1 of this Report to the need for more effective co-operation among the Dominions in the control of immigration. Meantime, however, much can be done by Canada to organize the labour market on an Imperial basis: but this cannot be done effectively until we possess such a System of Employment Bureaux.

For the present, however, the Provincial System of Employment Bureaux must be created as an isolated unit. When the conditions essential to success have been secured, the remaining problems, which are of considerable importance, will relate to questions of administration. If it is to be successful, the system must rest on the confidence of workmen and employers. The distrust of either would

be fatal. This involves not only the maintenance of absolute neutrality where disputes between labour and capital arise, but in addition, an active effort to secure their support. Free service is, of course, essential. It is as necessary for those in charge to popularize their business as it is for a merchant to bring his goods to the notice of the public.

There are in Ontario many local labour markets, not connected with the larger cities. The smaller cities and important districts in the country will need special treatment. Neglect to provide this will at the same time lessen the usefulness of Employment Bureaux, and their hold upon the public.

A method of considerable promise in dealing with local employment markets has been adopted by the Department of Agriculture. During the winter of 1914-15, two travelling employment agents were appointed, one for eastern and one for western Ontario. Their work, in bringing together the farmers and unemployed farm-help, was the means of finding situations for 723 single, and 67 married men. To what extent this temporary plan can be developed, it is impossible to say; but the definition of areas, each connected with a local employment bureau, and served at regular intervals by travelling officers of the bureau, would certainly do much to help the seasonal industries. Until some such arrangement is concluded, the local labour markets of the Province must depend on private agencies.

Ultimately a system of Provincial Employment Bureaux should develop into a Federal System covering the whole country, and effectively assisting to distribute labour as changing industrial conditions demand. Moreover, wisely officered, such an organization might gradually take on new duties and obligations and become an invaluable social, benevolent and educational influence in every community.

The following are some of the services which can be rendered to the workmen of Ontario by a System of Provincial Labour Bureaux:

1. Through a central employment office they should be put in touch with all positions open in each particular trade in their own municipality and elsewhere in the Province.

2. If there are no openings at the time in the workman's own trade, he should be informed of alternative positions that are available, in his own municipality and, if necessary, elsewhere.

3. The workman should be kept in touch with by the employment office so that he may re-enter his own trade as soon as opportunity offers.

4. If his own trade is overcrowded or stagnant, he should be given such information as will guide him wisely in the selection of another occupation, where opportunity of steady employment is more probable.

5. Everything necessary should be done by the employment office to ensure employment for the workman when he presents himself at the workshop, thus preventing waste of time and vitality with consequent loss to himself and his family.

6. It is essential also that the employment office should furnish such information and advice as will assist in the selection of occupations for children, thus preventing them from becoming casual or unemployed workers.

7. The office should devote part of its activity to the problem of employment for old men, who are often needlessly left without work; and to problems of like character in which various handicaps impose hardship upon otherwise employable men and women.

8. The employment office should also co-operate in effective methods of separating shirkers from those who want work, so that compulsory labour may be

provided for the tramp and loafer, and the burden at present imposed upon charitable agencies measurably lessened.

9. The causes, personal and industrial, contributing to unemployment can be studied constructively only in connection with employment offices under Government control, which alone can secure the information and data necessary.

10. An important service would be to lessen the industrial unrest which often is the result of an inadequate annual income arising from irregularity of employment, although the wage rate per hour apparently may be ample. The greater regularity of employment and certainty of earnings which should result from efficiently conducted offices would remove one of the admitted weaknesses of our existing industrial system.

Your Commission is convinced that nothing but a properly constituted State Employment Bureau can make the above plans and policies effective.

Your Commissioners, therefore, respectfully recommend:

1. That a Provincial Department of Labour be created either as a separate, or in connection with an existing, Department of the Government.

2. That a Provincial Labour Commission be appointed composed of not more than eight (8) members, of whom two (2) shall be women; and upon which workmen and employers shall be fairly represented; that the members be paid their travelling expenses, and work without salary.

3. That this Commission shall organize and administer a Provincial System of Free Employment Bureaux; determine the test through which those to be appointed to positions in connection with the Employment Bureaux must pass; select those to be appointed and determine their promotion; control and inspect all Private Employment Agencies under the Laws of the Province of Ontario; secure from employers and workmen such reports as may be thought necessary for the better understanding and treatment of employment problems; appoint Advisory Committees in connection with the Public Employment Bureaux to be established, with such powers and duties as may be determined from time to time by the Commission; and perform such other duties, recommended elsewhere in this Report, as the Legislature shall assign to it.

4. That Employment Bureaux be established first in the following seven urban centres: Ottawa, Belleville or Kingston, Toronto, Hamilton, London, North Bay, Port Arthur or Fort William, and that this system be extended subsequently, as required, to include other important industrial centres.

5. That the system of Employment Bureaux be managed by the Provincial Labour Commission through a Director with practical knowledge and understanding of employment, whose chief duty shall be to supervise the work of his staff and deal constructively with all matters related to the solution of employment problems.

6. That the Director shall have associated with him as Assistant a woman of training and ability whose chief duties shall be the inspection of the Women's Department of the Employment Bureaux, and the study of employment for women.

7. That representation be given to women on the Local Advisory Committees.

8. That in such Employment Bureaux as the Provincial Labour Commission shall decide, separate departments for men, women and juvenile workers be maintained.

9. That the Employment Bureaux, in all cases of strikes or lockouts, remain neutral and notify applicants for work at the Employment Bureaux when such strikes and lockouts are in progress.

Section 2.

TRANSPORTATION, ACCESS TO LAND AND TAX REFORM.

In other parts of this Report attention has been directed to the presence in our cities of a considerable number of persons, who, if opportunity were provided, would be glad to engage in some form of rural occupation. Your Commissioners are of the opinion that special provision should be made to facilitate this desirable object. It appears equally necessary that the children of our cities should have an opportunity to acquaint themselves with rural occupations which might later on afford them openings for a livelihood, or an employment for spare time.

The Homestead Commission of Massachusetts, has recently prepared an Act to provide for agricultural instruction for families. Its object is to "establish and maintain schools for teaching to families and to individuals in day, part time and evening classes, gardening, fruit growing, floriculture, poultry keeping, animal husbandry and other branches of agriculture and horticulture, subject to approval by the State Board of Education."

In support of these measures, the Report of the Commission, 1915, reads as follows:

"The constant flow of population from country to city, with no adequate outlet, emphasizes the vital necessity of giving the fullest possible opportunity to all who are willing to engage in any agricultural calling. whether an occupation for spare time or the means for a livelihood is sought . . . ."

"Without knowledge, experience and training, nearly every attempt at any branch of agriculture, by the city family, or city man or boy, is doomed to failure. Logically, then, the first step toward the relief of congestion and unemployment is to equip those desirous of turning from city to country with the knowledge, experience and training necessary to enable them to maintain themselves there. The problem, therefore, becomes largely an educational one. It is necessary that we provide for city dwellers opportunity to learn agriculture. . . . ."[1]

Cheap and rapid transit facilities from the centre of an industrial city to a distance of 20 to 30 miles has an important influence upon the living conditions of working people and provides a large measure of insurance against the hardships arising from unemployment.

"The financial reserve necessary to enable men to tide over periods of unemployment is sometimes found in enabling industrial workmen to live in the country although continuing to work in the towns. Such a policy is widely adopted in Belgium, where it is found that the crops grown on the land attached to the houses, along with the produce from live stock, just supply that reserve of wealth necessary to prevent men from becoming destitute directly they are unemployed."[2]

Importance of Cheap Transportation.

In 1908 Sir Cecil Hertslet, the British Consul-General in Belgium, said in a Report to his Government:

[1] Second Annual Report of the Homestead Commission, Public Document No. 103, pp. 39 and 40.

[2] "Unemployment, a Social Study," by B. Seebohm Rowntree and Bruno Lasker.

"Belgium, fortunately, has not been seriously troubled with unemployment notwithstanding the fact that this is the most thickly populated country of Europe."

All writers on the subject agree in attributing this, in large part, to the mobility of labour in Belgium, owing to cheap workmen's tickets on the railways. In 1912, a committee appointed by the Chancellor of the Exchequer in Great Britain stated in their Report:

"In Belgium, which has the most wonderful system of cheap and rapid transit facilities in the world, the evils of casual employment and unemployment are mitigated, in a remarkable degree, by the fact that enormous numbers of men live in the country, although they work in towns, and have a piece of land attached to their house or in the immediate vicinity of it. Whereas in Belgium only 23 per cent. of occupied persons are employed in agriculture, no less than 56½ per cent. of the total population are living in country districts. This means that about one-third of the urban workers are rural dwellers. The Antwerp docker, on slack days, instead of hanging around the docks, spends the time in his garden. He may not earn so much as if he were at the docks, but he is infinitely better off than if he were doing nothing, not only financially but physically, morally and psychologically—for nothing demoralizes a man sooner than unemployment. The Brussels bricklayer who lives outside the city does not come in during slack times. He leaves what bit of work there is to town dwellers and occupies himself usefully on his land."

The chief obstacles standing in the way of such a movement in Ontario are, first, the cost of transportation; second, the lack of facilities of transit; and third, the freedom of speculation in suburban land.

In Belgium, which is more densely populated than Ontario, the first and second of these obstacles are removed by the railways. Workingmen's season tickets there cost half a cent per mile for three miles from city station—one-third of a cent per mile for six miles—two-fifths of a cent per mile for twelve miles, and two-fifteenths of a cent if the distance is twenty-five miles. The trains are run frequently and rapidly. As the railways in Belgium are owned and run by the Government, the question arises whether these low rates are at the expense of the taxpayers. The answer is that the total annual profit or loss of the Belgium railway system is small and we can infer conclusively that the low rates to workingmen do not add directly to the taxpayers' burden.

As to the speculative subdivision of suburban properties, it would be truer to say that this obstacle does not exist in Belgium than to say that it has been removed by legislation. The land in rural Belgium is already divided into comparatively small—many of them very small—farms, and into garden lots in the neighbourhood of cities. The speculator would have to deal with a multitude of owners before he could get together sufficient land for profitable subdivision into building lots. No societies are formed for the purpose of speculating in building land; but legislation plays an important part in facilitating the removal of the industrial labourer from the city to the suburbs for residence. It provides for the organization of committees to improve housing conditions for labourers, reduces by one-half the Government dues imposed upon the sale or mortgage of properties, and arranges for the securing of capital needed for site and buildings at a low rate of interest, so that a workman may borrow nine-tenths of the money required to buy the land and build his house. The committee's management expenses are met from public funds. The

capital loaned to the workmen comes largely from the National Savings Bank, which deals, not directly with the individual borrower, but with associations organized for the purpose. An insurance policy on the life of the individual borrower is an important part of the security. The interest paid by him does not exceed 4 per cent.

The observed effects of this whole situation in Belgium are principally:

1. The reduction of unemployment and of the evils resulting therefrom.
2. The lowering of rent in the cities.
3. A lessening of the rural exodus to the cities. The city worker going to live in the country, ten to thirty miles from his work, enlarges the social life of his rural neighbours and helps to form a public opinion in favour of rural life.
4. Improvement in the health and home life of the labourer and his family.

Possibilities in Ontario.

Conditions in Ontario are in some important respects the reverse of those described. Our transit facilities stand in the way of any extensive movement towards the suburbs. In the north-west part of Toronto near the outskirts of the city there is a large iron foundry. One would expect to see the hands of that particular industry take advantage of suburbs to which they can walk without fatigue. The northern boundary of the city is only a few blocks away. As a matter of fact they turn towards the centre of the city when they leave the foundry buildings in the evening, because the real estate dealers stand on guard in the outskirts, and because transit shareholders do not see increased dividends in transporting the workmen beyond the outskirts. In Belgium steam railways must be used for this purpose; they have no Niagara Falls to furnish cheap electric power. In Ontario, it should be possible for the State to ensure the needed cheap and rapid transit facilities.

British Experience.

The London Committee appointed by the Chancellor of the Exchequer reported at some length upon the question whether working men who have become accustomed to city life would wish or consent to live in the suburbs; and showed that, in the case of London, the movement towards the suburbs has in fact followed closely upon provision of cheap and rapid transit. The Census returns show a definite flow to the fringes of Greater London.

Taking the last fifty years (1861 to 1911) the population of these outer districts increased by 559 per cent., while the centre of the city increased by 61 per cent. Other cities in England show similar results wherever suitable transit facilities have been supplied. The working man is not averse to following the example of the wealthy in this matter wherever natural opportunities are not monopolized by other interests.

Access to Land and Tax Reform.

The question of a change in the present method of taxing land, especially vacant land, is, in the opinion of your Commission, deserving of consideration. It is evident that speculation in land and the withholding from use and monopolizing of land suitable for housing and gardening involve conditions detrimental alike to the community and to persons with small means. Further, land values are

peculiarly the result of growth of population and public expenditures, while social problems greatly increase in proportion as population centralizes and the relief of urban poverty calls for large expenditures from public and private sources.

It appears both just and desirable that values resulting from the growth of communities should be available for community responsibilities. Wisely followed, such a policy involves no injustice to owners of land held for legitimate purposes; and the benefits which would follow the ownership and greater use of land by wage-earners justify the adoption of measures necessary to secure these objects as quickly as possible:

Your Commissioners are of the opinion:

1. That valuable alternative occupations in time of unemployment can be secured for urban workers by a system of cheap and rapid suburban transportation.

2. That a reform of the present system of taxing vacant lands appears indispensable to lessen the evils arising from speculation in land which contributed to the recent industrial depression and which makes more difficult any satisfactory dealing with unemployment in industrial centres.

3. That the establishment of Agricultural Classes in urban centres is worthy of consideration by the proper authorities so that city children may have the advantages of rural occupations brought to their attention as well as the economic value and pleasure to be derived from the cultivation of small gardens.

CHAPTER III.

PROVISIONS DEALING WITH PERSONAL CAUSES OF UNEMPLOYMENT.

Section 1.

IMMIGRATION.

Your Commissioners recommend such reform in immigation methods as will make directly for the settlement of Canada's vacant agricultural areas, stimulate the development of the country's natural resources and combat the universal tendency of population to concentrate in cities. Your Commissioners would further advise such united action by the Imperial and Dominion authorities as will lead a greater proportion of British immigrants to the Oversea Dominions instead of to foreign countries, thus conserving the man-power, and adding to the strength and wealth of the Empire. For these economic and patriotic reasons, the close of the war should find us ready with a courageous inter-Imperial immigration policy in which the Imperial, Dominion and Provincial Governments and railway and other great employing corporations will have a responsible share. For Canada the primary problem is to bring the right sort of people to the land, and to assist them in every way possible to make the land productive and themselves prosperous citizens of the Dominion. If necessary, the Governments interested should furnish such financial assistance as will enable the newcomers within a reasonable time to become self-supporting on the soil.

A Retrospect.

In the first fourteen years of the present century, the number of immigrants into Canada was about 2,900,000, of whom 1,100,000 came from the British Isles, 1,000,000 from the United States and the remaining 800,000 from many other countries mostly European. The maximum movement was reached in the fiscal years 1912-13 and 1913-14. In these two years respectively, the arrivals numbered 402,432 and 384,878 from all sources. The influx having been stopped by the war, there seems to be no reason why it should not be resumed upon the conclusion of peace. There are indeed factors in the situation which may operate to swell the migration. Over against the destruction of human life are to be set the wreckage to property and the rousing of an adventurous spirit in the breast of millions of young men who will be inclined to seek their fortunes in new lands, particularly in new lands under the allied flags—most of which are under the Union Jack. It is for Canada to be fully prepared beforehand to take advantage of a situation likely to prove so favourable.

In the problem of immigration is involved that of unemployment. The one cannot be solved apart from the other. Once immigration is dealt with satisfactorily, we shall have gone some distance towards abolishing unemployment in Canada. The Dominion requires a heavy and continuous immigration movement to people its vacant areas, develop its material resources and utilize its railway and industrial plants. Millions of men and women from other lands are required to increase production and meet the debt incurred in the creation of extensive transportation systems, and in the prosecution of the war. Yet immigration, if improperly directed or allowed to take care of itself may easily lead to wide-

spread unemployment and want as it has done in the past. The welfare of Canadian industry requires that skilled and unskilled labour shall be protected against undue and untimely invasion of workers from abroad. It will be necessary in the public interest to regulate the influx of artisans and labourers during periods of industrial expansion and to check the influx when a redundancy of labour exists.

Many of those from time to time out of work were not born in this country. A large proportion came from Europe and have not had time to make fixed places for themselves. Often the wrong kind of people have been admitted, or when the newcomers have been of the right sort, too many have been allowed to drift into a position of helplessness—for sheer lack of alert and informed leadership. This statement applies to immigrants from the British Isles and also to people from Continental Europe. Investigation has shown that a large proportion of the unemployed foreigners in our cities, many of whom we had to support last winter, were engaged in agriculture in Europe, and expected to go on the land in Canada. Disappointed in their own field, they readily found employment by the thousand upon the new railways and extensive public works in course of construction for some years prior to 1914. When these undertakings were almost brought to completion, or came to a comparative standstill, thousands of foreigners flocked to centres of population and became public charges or beneficiaries of private charity. The cities in which these experienced yet farmless farmers congregate are only a few hours removed from millions of acres of fertile but unbroken land. For the future immigration should be so directed and immigrants so handled as to prevent such separation of complementary assets. Not only must we get agricultural immigrants, but they must not be directed from the land after reaching here. There must be machinery whereby they may be taken to the land on arrival, and maintained there, if necessary, with the aid of agricultural credits extended by the public treasury.

Soldiers for the Land.

After the conclusion of peace, Great Britain, the British Dominions and Allied Countries will disband millions of armed men, a considerable proportion of whom may be available for settlement on the land in Canada. To all those who have fought the awful battle for human freedom and democratic principles, this country will owe a lasting debt. It is the duty as well as the privilege of Canada to offer them a home and the opportunity of earning for themselves a comfortable living. The obligation to discharged British soldiers and discharged Canadian soldiers is especially pressing. If we wait until the end of the war, nothing satisfactory can be achieved. A grave economic and social crisis may result. As has been said by a member of the British Association "the machinery for providing ex-service men with land ought to be created without delay and be in operation before we have the men upon our hands." For this purpose and for the general purposes of inter-Imperial migration and land settlement the United Kingdom and the Dominions should be viewed as a single whole. It should be possible, effectively to unite the Imperial and Dominion Governments in a policy which will keep the movement of population more and more within the Empire and check the drain of population to foreign countries and so conserve British manhood for the development of British territory and the support and defence of British institutions against future contingencies.

All soldiers in the Japanese army are trained in practical agriculture two hours on three days of each week so that they may have a desirable occupation

and means of livelihood for themselves and their families when the time for their discharge arrives.

Settlement on the land of time-expired soldiers would be much assisted by the pensions of which there is a prospect.

In any plan of Imperial co-operation, the domestic interests of the United Kingdom must not be forgotten. It would not be fair or wise to depopulate the mother country, even in order to people the daughter states. The annual emigration from the United Kingdom, to all countries, amounted before the war to nearly 500,000 people. The number of farmers and agricultural labourers in the United Kingdom is not excessive, but it should be feasible to utilize other elements in the population in the development of our natural resources. In the opinion of many who have studied the situation at first hand, it will be found practicable to train dwellers in British cities, towns and villages for successful careers on the land in Canada.

The varying conditions found in different parts of Canada may render the problem easier of solution. Under intelligent management, newcomers will go to those parts of the country which are best adapted to their special needs and capabilities. Each Province might specialize in a particular kind of colonization. Old Ontario in live stock, New Ontario in pioneer bush farming, Saskatchewan in grain growing, Alberta in mixed farming, etc. On the Pacific Coast there is room for fruit farmers and cattle raisers, who can partly pay their way during the first years of occupation by taking out logs and pulpwood. In the Atlantic Provinces there is a place for farmers of moderate means to settle upon prepared or partly prepared farms.

Admission of Undesirables.

Defects in the immigration system under successive governments have resulted in the admission of undesirables, too many of whom have become a permanent burden on the country. This has been the case particularly during the heavy influx of the past decade which was checked by the outbreak of war. By far too high a proportion of the immigrants admitted have been diseased physically, or were mentally unsound. Many of these have found their way to the ordinary hospitals, to hospitals for the insane, and to homes for the mentally defective. The charge thus imposed upon the public reaches startling figures, especially when the progeny of the mentally defective is taken into consideration. The Census of 1911 showed that about fifteen per cent. of the population of Ontario had been born outside of Canada. If these were as sound as the native population, the number of them who have been certified as defective or insane should not exceed one-sixth of all the patients in the asylums. It appears that they constitute a proportion far larger than this. Statistics issued by the Provincial Secretary of Ontario show that 445 out of 1,351 patients admitted to the asylums in this Province last year were born outside of Canada. Of 22,664 admitted since the Government began to care for the insane, 7,366 came from abroad. In each case, the percentage of non-Canadians is over 33 per cent. Of 2,873 admitted to the Government homes for feeble-minded and epileptics, 504 were not native born. The cost of maintenance of these hundreds for the remainder of their natural lives is a grievous public burden. In the past few years the Government has sought to minimize the evil results of such unsound immigration by deportation. During 1914, the number of deportations from Canada was 1,834. Of these 207 were insane, 376 were criminals and 715 likely to become a public charge.[1] But the

[1] Canada Year Book, 1914, p. 87.

cost of deportation is considerable and the law does not authorize the deportation of those who have been in the country more than three years. It is noteworthy that, with a view to checking the inflow of mental defectives, Honourable Dr. Roche, Minister of the Interior, has had an expert in psychology added to the Immigration Staff at Quebec. Australia requires medical examinations of immigrants before they leave their homes in Europe.

The United States suffers from the same cause. The presence of 3,000 or 30 per cent. of the feeble-minded children maintained by New York State in institutions is attributed to the refusal by Congress of applications for the adequate inspection of immigrants at the port of landing.[1] The decline which has taken place in the volume of immigration since the war began has enabled Immigration Officers to make their inspection more effective, and as a consequence of this intensive scrutiny, the percentage of rejections has risen from 2 or 3 per cent. to 7 per cent.[2] In the Congressional Record of 1912, it was stated that New York has spent $25,000,000 on alien insane, the result of insufficient inspection by the Federal Authorities at Ellis Island. The average life of an inmate of a hospital for the insane is eleven years, and in that time, he costs the public between $3,000 and $4,000. No less than 74 per cent. of all those in the State asylums are foreign born, or of foreign parentage.[3]

Experts Needed in Immigration Service.

Only experts in mental diseases are capable of detecting symptoms of insanity in many of those who, on landing, appear quiet and well-balanced, but who afterwards find their way to the asylums and prisons. The whole business of the inspection of immigrants must be taken out of politics, and brought up to a high standard of modern efficiency. A Public Health Service for Immigration at home and abroad should be constituted. It should comprise only active physicians and nurses. Their tenure of office should be permanent, and their compensation commensurate with the vital importance of the work to be performed, so that they would be induced to make it their life business. They could do their work at European ports of departure, on board ship, or at Canadian ports of entry. Up to the present, the perfunctory examination at some Canadian ports of landing has been made by local practitioners who have treated this work as a "side line." and whose political affiliations have played a part in their appointment. As a result, many diseased persons, especially those suffering from tuberculosis, have been admitted. Steamship companies may be induced to exercise more vigilance by a heavy increase in the penalties for non-observance of the regulations.

Evidence has been placed before the Commission which establishes the fact that numbers of those who are free from disease and insanity, for other reasons fail in Canada. Skilled workmen come from Europe, whose trades do not exist here, and who cannot readily adapt themselves to other trades. Inevitably, therefore, many have been occupied in unskilled labour at a meagre wage, who would have been artisans had they remained at home. Others possess so little power of adaptation that they fail altogether to adjust themselves to new conditions. These would have been well advised to remain in surroundings to which they were accustomed. In both cases, needless suffering is caused by the lack of good advice; and the cost of the failure falls on Canada.

[1] New York Medical Journal, June 1, 1912.
[2] Journal of the American Medical Association, January, 1915.
[3] Congressional Record of Debates, March 18, April 15, 16 to 19, 1915.

A fearless immigration policy should never hesitate to dissuade such individuals from coming. It is as much the duty of Immigration Agents in Great Britain to guard against those who for various reasons show no promise of success, as it is to secure men of the opposite type. This phase of immigration has not been appreciated at its proper value.

Information Required as to Emigration.

Canada labours at present under the great handicap of not knowing at what rate her foreign born population is increasing. In the ten years between the Census of 1901, and that of 1911, the number of immigrant arrivals was a little more than 1,700,000.[1] At the Census of 1901, the number of people in Canada who had been born elsewhere was returned as 700,000. There should have been more than 2,400,000 people not of Canadian birth in Canada when the Census of 1911 was taken. The number returned in the Census was less than 1,600,000. In other words there was a deficiency of more than 800,000. Part of this deficiency, no doubt, can be explained by faulty registration in the Census Department, and by faulty returns by Immigration Officials, but it is inconceivable that a large part of this deficiency should be due to either cause. We have no statistics as to the number who drift into the United States, or return to their own country. In what proportion these influences were combined, it is impossible to say, and the discussion which follows each successive Census does not explain the discrepancy.

Our present methods leave us in darkness as to the conditions of our assimilation problem. This would matter little if the proportion of those born outside Canada to the total population was a small one. Under present circumstances, however, since, in all probability, more than one-fifth of the people of Canada were born elsewhere, it is vital that we should know to what extent they remain in Canada after their arrival, and which are the most migratory races. Our only means of knowing this, at present, lies in the tables compiled by the United States Department of Immigration, which relate entirely to American conditions.

It will never be possible to handle Canadian problems of citizenship with full and accurate knowledge, until the registration of departures from Canada is made with the same care and published with the same regularity as the registration of immigrant arrivals.

Immigration and Labour Conditions.

The volume of immigration has an important influence on conditions of labour in every industry. Fuller information will afford a valuable guide, not only for the work of the Immigration Authorities, but also for the Departments of Labour in dealing with the problems of Canadian industry. A complete separation between the control of immigration and of labour conditions is no longer possible. In order to realize their full efficiency, these two Departments of the Federal Government must maintain a close relationship.

Education of Adult Immigrants.

After the war the heterogeneous character of our population may be increasingly emphasized. Before the multitudes of newcomers can be assimilated and

[1] Canada Year Book, 1914, p. 85.

imbued with the Canadian outlook, effective agencies must be set at work. The schools and churches must do their part, and it should be possible to enlist the services of municipal governments, the Canadian Welfare League, commercial and industrial boards, labour organizations and other public bodies. Immigrants from foreign lands must be taught the meaning and value of the free institutions they enjoy under the British flag.

While your Commissioners agree that every constitutional right granted to any province or any element of the population should be respected and maintained, it is desirable that the whole people should speak the English language. Since this is an English speaking continent, those who cannot speak English are shut out from many of the higher positions in business, finance and industry, and are handicapped in competition with their fellows who have no greater natural ability. In suggesting that English should have a preferred position where constitutional rights do not interfere, there is no desire to reflect upon any other language or to prescribe what language should be spoken in the homes of the people. The view of the Commission is that through ignorance of English, the earning power of considerable elements of the population is lessened and their participation in Canadian affairs restricted. It is vital to Canada that, through a general use of English, foreign elements should be assimilated, while we must utilize the English language as the basis of a common National and Imperial spirit.

In the United States a movement is on foot to secure this object, and the following are the methods employed by firms in Detroit[1] with this in view:

1. "A Preferential Policy.—Men were assembled and told that from this time on, men that were going to night school and trying to learn English would be preferred—the first to be promoted, the last to be laid off and the first to be taken back.

2. "Compulsion.—Several companies made night school attendance for the non-English speaking a condition of employment. The Northway Company established a factory school also, and then put up to its men a threefold proposition: (1) To attend night school; (2) To attend the factory school; (3) To be laid off.

3. "Popularizing the idea.—The Cadillac Company, for instance, worked out a definite programme, to interest the leaders of the men, and let them do the rest.

4. "A Bonus System.—The Solvay Company, for instance, proposed a 2-cent-an-hour increase for all non-English-speaking men that would attend night school."

Booking and Bonuses.

The present system of subsidizing booking and shipping agencies requires complete revision. Possibly so drastic a step as the abolition of the bonuses can scarcely be taken, except by action in common with Australia and other competing Dominions, but the bonuses certainly furnish too powerful a temptation to dump inferior classes of immigrants upon the country.

The regulations requiring immigrants upon landing to possess a minimum sum of money also require revision. It is stated that the necessary amount is often lent them for the sole purpose of satisfying the authorities, and that, once past the inspectors, they return the money to the lender.

Conditions for which the war is responsible may augment largely the supply of women for domestic service in Canada. The migration of these young women

[1] Supplement to the "New York Times," October 24, 1915.

to this country should be under the special direction of public authorities. On arrival here they should be sheltered in suitable hostels in charge of properly qualified matrons and their subsequent employment in private homes should be under Government supervision. The promoters of the proposed Imperial Protective Association in Great Britain have expressed a readiness to send fully qualified men and women to Canada, if proper arrangements are made on this side of the Atlantic for their reception and final employment. Training for immigrant women intending to be house workers, and supervision of private immigration agencies, are proposed elsewhere in this Report. No assisted passage should be given unless the name and address of a prospective employer are supplied the Immigration Authorities, or the passage is authorized by the Provincial Board which has charge of this service. Private immigration agencies should be required to provide a home for women brought out by the agency where they can stay until employment is secured. The terms of agreement as to repayment of passage money should be approved by the Provincial immigration authority.

Asiatic Immigration.

The question of Asiatic immigration constitutes a separate problem and should be the subject of enquiry and study by competent authorities.

An Imperial Board.

The war has brought home to everyone the interdependence of all parts of the Empire. For the future, the consolidation and strengthening of all the British Dominions must be a definite objective.

The wise selection of immigrants who come of sound stock, show powers of adaptation and are likely to succeed entails a full acquaintance with the conditions in Europe, and much continuous work in European countries. The changes of the present century have given the Department of Immigration an importance which it did not possess before. "With land settlement on a basis from which the Government does everything possible to eliminate the speculative factor; with a broad move to enlist the public-spirited people in Britain on the lines here indicated; and with powerful competition of other British countries for immigration," says Mr. Hawkes, "it would be highly impolitic to permit any other course to be followed than the constant contact of the executive head of the Department with the European conditions."[1]

On this Imperial Board, itself in close touch with every Government within the British Empire, should rest the responsibility for disseminating in the United Kingdom detailed, authoritative, accurate and up-to-date information regarding opportunities in the Dominions. It should pass on the timeliness of emigration movements, and upon the suitability of emigrants. It should discourage the indiscriminate migration which has been a feature of past years, and when any one of the Dominions is suffering from widespread unemployment should make impossible a large emigration, till conditions have returned to normal.

The co-operation of the British Labour Exchanges,[1] and of Employment Bureaux and Immigration Boards in the Dominions should be secured.

Receiving homes for immigrants would naturally form a part of the necessary Dominion machinery. Room could be made for co-operation by existing philan-

[1] Special Report on Immigration, by Arthur Hawkes, Ottawa, 1912, p. 72.

thropic societies such as the Imperial Home Reunion Association, the British Naval and Military Emigration League and the Salvation Army. The British clergy, the British teaching profession and city and county authorities in the Old Land might also be enlisted in the work.

Farms for training farm help and future farmers could be established as recommended elsewhere in this Report. As far as possible, Canadian farmers must be induced to hire men by the year and, in the case of married men, to provide them with a house and garden. Wherever adopted, this departure has more than justified itself, and if generally followed, would materially enhance agricultural production by helping to solve an old and difficult problem.

The release of lands held by railway and other corporations for occupation by selected immigrants, the feasibility of nationalizing our forests and other natural resources, the practicability of developing new industries by and for the employment of immigrants, means for the training of aliens to an intelligent appreciation of British ideals and Canadian citizenship—all these questions invite careful attention and study by the public authorities.

Proposals Relating to the Department of Immigration.

Your Commission, therefore, respectfully recommend:

1. That in view of the important effect of immigration upon labour conditions, either the Immigration Department should be placed in the Department of Labour, or provision should be made for close co-operation between these Departments.

2. That more adequate provision should be made for inspection of immigrants; that appointments should be determined wholly by professional and practical qualifications; and that the officials so appointed should give their whole time and energy to the work.

3. That immigrants, upon arrival, should be provided with printed statements, in their own language:—explaining conditions in Canada; the advantages of learning English; their relation to banks, private and public employment agencies; the terms of land settlement in Canada; openings for agricultural labour; possible abuses to which they may be subject; and where they should go for advice.

4. That careful registration be made of all who leave the Dominion, as well as of immigrant arrivals.

Proposals Relating to an Imperial Migration Board.

1. That an Imperial Migration Board be organized in London, representing the British Government, and the Governments of the Dominions, with such Provinces and States in the Dominions, as desire to be represented on the Board: the cost to be borne jointly by all Governments concerned.

2. That the Board be responsible for the distribution of complete, impartial, and up-to-date information[2] regarding opportunities in the Dominions, their demand for labour in the different pursuits, occupations and industries, and the facilities and cost of transport.

[1] Existing arrangements for the notification of positions overseas, through the British Labour Exchanges, are explained in Appendix A. to this Report.

[2] In this connection, the Commission wishes to call attention to a statement of Mr. A. J. Glazebrook, of Toronto, which will be found in Appendix E.

3. That the co-operation of the Labour Exchanges in the United Kingdom, and of the Public Employment Bureaux and Immigration Authorities in the Dominions be secured with this in view.

4. That the Imperial Migration Board be given power to require returns and such other information as it thinks necessary, from agencies and individuals in the United Kingdom and the Dominions, dealing with immigrants.

5. That the Imperial Migration Board consider the whole question of inspection and report the best system to be adopted in the interests of the United Kingdom, the Dominions and the emigrants themselves.

Section 2.

A SURVEY OF UNEMPLOYMENT IN WOMEN'S OCCUPATIONS.

Extent and Character of Unemployment.

No one can tell what being unemployed means, not even those whose food and clothing, comfort and happiness depend on paid work, unless the individual applies the meaning of unemployment to her own case. A personal enquiry undertaken by The Commission on Unemployment has shown that some thousands of women wage-earners in Ontario suffered from unemployment last winter, and that a smaller number are unemployed every year, with much harm to themselves and others. The following facts have been collected with regard to unemployment in women's occupations.

In Domestic employment, which numbers between 30,000 and 50,000 workers in Ontario, there is no unemployment.

Among Factory Workers, who were estimated in 1914 to number 53,729 in Ontario, there was unemployment amounting to 8 per cent., or 4,759 workers, as compared with the number employed in 1913.

In the employment of Saleswomen, who are estimated to number between 12,000 and 15,000 or even 18,000 workers in Ontario, it has not been possible to arrive at any percentage of unemployment. Specific instances have been found which indicate a certain amount of widespread unemployment. Thirty-two saleswomen registered at the Employment Bureau of the Toronto Women's Patriotic League during the period of greatest unemployment, and twenty-four of these were classed as skilled. A number of saleswomen also applied to go to country positions as domestics.

In the employment of Stenographers, which numbers 24,632 in Ontario exclusive of the City of Ottawa, and which can be taken as employing over 26,000 women workers, the unemployment, after the early dislocation of business in August and September, amounted to about 2 per cent.

Among Trained Nurses, numbering between 2,000 and 3,000 women in private nursing in Ontario, the unemployment may be fairly indicated by waiting lists of 160 in November, 1914, 107 in February, 1915, and 120 in October, 1915, from one nurses' registry with a registration of slightly over 500 nurses in 1914. These waiting lists showing unemployment should be compared with waiting lists of 50 in November, 1910, and 80 in November, 1913.

The more or less casual employment of Women who Work by the Day is greatly increased in numbers during times of depression. At a conservative estimate, it includes between 5,000 and 6,000 women workers in Ontario. Unemployment among Women who Work by the Day was acute during the winter of 1914-15, and is likely to be somewhat extensive in the winter of 1915-16.

These six employments represent a total of 135,000 women workers in Ontario. Other employments bring the total to at least 175,000. The fact that we have this number of women workers has not been realized, and the meaning of the fact, even by those who were aware of it, has been imperfectly appreciated; nor has it been understood that these workers form equally with men a part of the world's working force. Unemployment in 1914-15 was experienced by between 8,000 and 10,000 women workers, judging from the amount of unemployment found in the occupations studied.

Effects of Depression in Lowered Wages.—That the character of unemployment among women workers was somewhat severe, and that it still exists to a considerable extent, is further indicated by the fact that in every employment studied (with the exception of Domestic Workers), wages have been reduced by a percentage varying from 10 per cent. to, in some cases, even 30 per cent. In most occupations the percentage of reduction is still in force. The full effects of depression and unemployment cannot be realized, until it is understood that wages and salaries climb slowly. Any crisis which sends wages down suddenly to a lower level leaves the individual with an amount of climbing to do again, which is represented not only in a loss of income, but which puts the level of employment back, and defeats the efforts of the individual for better employment. Those who enter employment in a time of depression do so at the lower wage, and add to the difficulty of the climb upward.

Seasonal Unemployment.—Widespread fluctuation in employment which recurs every year, and is not caused by depression, exists to some extent among women workers in Ontario. It exists largely among factory workers, as will appear from the following figures, representing the minimum and maximum number of women operatives employed in 1912, 1913 and 1914, taken from statistics supplied by establishments in three different industries.

	1912	1913	1914
Firm No. 1	81–154	120–167	85–127
Firm No. 2	246–255	230–276	236–279
Firm No. 3	39– 52	31– 57	18– 29

Below the Average of the Occupation.—In most of the employments studied, there is a smaller or larger class of irresponsible workers, who are below the average of the occupation. These workers lose employment first in slack times, and are employed only when there is a demand for every worker. They harm not only the standing of the employment, but they lower the rate of average payment. Lack of training and of guidance in choosing and preparing for employment, with a home life that is not helpful, are among the reasons why these workers are irresponsible. A somewhat large proportion of them is young. The character of the worker indicates what can be done to remedy this kind of unemployment. But to conclude that all the unemployed are careless workers would be a grave injustice.

Mothers Who Work for Wages.—The class of women workers who suffer most, not only from the effects of unemployment, but from the necessity which is placed on them to work whether they ought to work or not, are mothers who are compelled to work by the day. The number of these workers is increased: 1. In times of general depression when their husbands are out of work: 2, during seasonal unemployment of husbands; and 3, in winter, on account of the increased cost of living.

Occupations Studied.—The workers whose occupations have been studied are: House Workers, Factory Workers, Saleswomen, Stenographers, Trained Nurses, and Women who Work by the Day. These employments occupy either the largest number of workers, or they present features of special importance to the enquiry. Generally speaking, the Survey deals with personal causes of unemployment. Econ-

omic causes, which at times make the efforts of the individual to secure steady employment fruitless, are dealt with elsewhere in the Report of the Commission.

Indifferent Workers and Unemployment.—Lack of training, indifference and inefficiency are undoubtedly among the causes of unemployment in Ontario. These defects exist so largely in women's employments (with some exceptions) that the indifferent workers make the employment less good than it otherwise would be for efficient, skilled workers. Three instances may be given: 1. The number of inferior stenographers is said to be sufficiently large to make the individual employer think that his chance of getting a competent worker is not altogether favorable. This opinion, formed through experience of inferior stenographers, restricts the average stenographer's field of work. She is not entrusted with as important work as otherwise might be given to her, and in consequence her salary is not as large. 2. The indifference of a large number of saleswomen is said to make the occupation less desirable for the good saleswoman. Salesmanship would have developed more rapidly as a skilled employment if the attitude of many of the workers had not hindered this development. 3. If domestic employment was wholly or even largely in the hands of skilled workers, what conditions of advantage to themselves, outside of wages altogether, might they not secure from their employers!

Employment Bureaux.

Existing Employment Agencies.—There are three varieties of private employment agency: 1. The commercial agency, which is conducted for gain, and which undertakes to find a position for the individual worker, generally speaking without studying the field of employment, the skill of the worker or the requirements of the position to be filled; 2, the benevolent employment agency, maintained by some philanthropic organization, which may or may not be conducted with regard to scientific methods of employment; and 3, employment bureaux managed within some trained employment, which are conducted with a considerable measure of success. Few employment agencies keep statistics which are of value, although an exception should be made with regard to the last named division, agencies maintained by associations of workers in an employment. Mention should also be made of an exception among commercial agencies. Typewriter companies have undertaken to provide employment bureaux for stenographers, and have done so successfully. In these employment bureaux, no fee is charged either stenographer or employer. Investigation has not shown, however, that expert advice intended solely for the benefit of the individual is given to those who apply for work in any of these employment agencies.

Employment Departments.—The most recent development in the field of employment is the employment department of the individual business establishment. This department is maintained in the belief that efficiency in business can be served best by choosing the employee carefully, and then by following the work of each employee, in order to secure the most satisfactory result. The expert advice so often needed by the individual worker is not furnished, as far as is known, in any employment department.

Vocational Guidance.

No difference of opinion exists, among those who are familiar with boys and girls when entering employment, as to the wisdom of establishing Vocational Guidance. The expert turns to the employment she knows most about, and points

out a typical example of what is called a misfit. "She should never have been there," is her verdict, "if only there had been someone to send her into the occupation for which she is fitted." Practically the same statement is made in every employment. If only there was someone to advise the boy and girl, to prescribe training, to advise them where they can find the work they can do best! The statement is made in a store: "I find one of our little cash girls always getting into trouble, and when I look to see what she is doing, I find her drawing pictures. Why, she can draw me just as plain! There ought to be a future for her in commercial advertising." The statement is frequently made that Canadian mothers do not accompany their daughters when they first look for employment. Yet the investigator cannot forget that a girl, whose duty it was to try on cloaks for intending purchasers, and who also was expected to answer girls and women asking for positions, said confidentially, "I'm only to send upstairs the ones who look as if they had some experience. Of course, if a girl comes with her mother, she's had no experience and I'm to tell them there is no work." The boy or girl asking for employment for the first time is said to have only one object; it does not matter what he does as long as he gets a pay envelope. Useful and successful employment rarely can be begun in this way. For this condition of affairs, parents are doubtless somewhat to blame. Every experienced person, to whom the question has been put, has answered that if improvement is to be made, the youth of Ontario must have instruction and guidance as to what work they shall choose to do.

The most forcible evidence secured as to the need of Vocational Guidance has been obtained from reformatory institutions for girls and women.

In the great majority of cases, the inmates of these institutions are reported to have had unsatisfactory home surroundings, and in the case of two institutions the reports add: "Vocational guidance in youth would have effected very great improvement." "Careful vocational guidance would meet many of their defects."

Health.

Health has been mentioned much more frequently in the course of the investigation, than was anticipated when the enquiry was begun. Its importance as a factor in satisfactory employment is evidently great. In each employment studied, the health and physical strength of the women workers received comment of some kind. For instance, the health of the domestic worker is said to suffer from confinement, loneliness, and from the fact that she is often given no time free from interruption for her meals. The factory worker needs to be strong physically. Her health conditions are good if she is working in a good factory. She is under little nervous strain, except in using power machinery, and in being over ambitious to earn a high wage through piecework. The saleswoman, if competent, endures more nervous strain than the factory worker. Her working conditions are good, unless she suffers from poor air and confinement. She needs exercise and fresh air to counteract the effects of her employment. The office girl is spoken of as having conditions especially good for health. She has time for fresh air and exercise. The trained nurse is said not to be able to undertake private nursing for a longer period than ten or twelve years, on account of physical breakdown. The most striking contribution to the study of the health of women employees was made by a welfare worker, who is competent to judge of conditions among business women. Her statement was to the effect that, in her opinion, all business women are underfed, sometimes from necessity, but mainly because the average business woman does not understand the economic wisdom of keeping up her strength and efficiency with good food.

This insistence on health and on working conditions as affecting health are marked characteristics of women's employments. In most occupations, some unemployment among women is the result of physical strain; and in a few employments it is said, apparently with some truth, that women are unable to work longer than ten or twelve years because of injured health. This last statement is made most frequently of factory workers and trained nurses.

Another aspect of this question of health and the business woman remains to be dealt with. The average woman wage-earner works after hours. She generally mends her own clothes, makes some of her clothes, and washes at least a part of her clothing. In some cases she prepares her own meals as well. If she lives at home, she is commonly expected to help to some extent with the work of the house. When there is sickness, she helps with nursing. It is, generally speaking, her own wish to undertake this extra work, which entails a drain on her vital forces. And yet to live in a home, where she gives and receives help and sympathy, is practically necessary to the health and happiness of working women, as it is to others.

With regard to the effect of after-hour work on health, the statement can be made that working men are too wise to undertake such work. It is, however, not always a matter of choice with women who work for wages. Their wage is often not sufficient to pay for having the extra work done. When the wage is sufficient, the exertion is unwise.

Domestic Training for all Women.

The advantage which a thorough knowledge of domestic work gives to every woman who has it, can scarcely be over-estimated. Testimony from women in positions of authority in the working world is universal, to the practical utility of a knowledge of cooking and other household work. In the first place, as far as Canadian experience has taught us, a woman who can do housework well needs never to be unemployed. She can secure a position at good wages with ease. It is only fair to add, however, that conditions in household work other than wages are not as favorable. Still, any woman who is a competent houseworker need not fear unemployment. This is true not only of those whose regular employment is household work, but if factory workers, saleswomen, office workers, waitresses and others, are thrown out of their regular employment, they can find positions as houseworkers if they have the necessary training.

Again, every woman who works in paid employment has a better chance to secure the good health, which is vital to satisfactory employment, if she understands cooking and food values. "If my grandmother had not taught me to cook, and buy and what to cook," said a young clever business woman once to the investigator, "I would not have known how to feed myself so well on so little money." Her healthy looks were a testimony to the truth of what she said. One does not hesitate to say that knowledge of this kind should be secured for the average woman who works if her employment is to be satisfactory.

But the conclusive reason for universal domestic training for women is that home occupations are the ultimate employment of all but a comparatively small percentage of women. When the woman who has been in paid employment, and who has had no domestic training, marries, she is not fitted to become a homemaker. It is not by any means true that all girls living at home have domestic training. The case as to this was well put by a stenographer. "Just as many girls who are stenographers know about house work, as girls who live at home." Girls and women themselves are perfectly well aware that unless they know about food, how

to cook, and what to buy, they are not fitted to undertake the making of a home. What is not so well realized is the fact that the health of the world in general is in the hands of women. They ought not only to be able to keep themselves well, and this they cannot do to advantage without domestic knowledge, but they are responsible for the health of children, which is very directly the result of feeding, and the health of grown-up members of every household is largely in the keeping of the woman who makes the home.

Study No. 6, on the employment of the Woman Who Works by the Day, shows that while a number of these women are competent household workers, it is fair to say that the majority are lacking in domestic knowledge and are not skilled workers. This fact interferes with their employment and contributes to unemployment. But the more serious aspect of the situation is, that if they are not skilled workers in paid work outside, they cannot be skilled in their own employment at home. This statement is not made to criticize adversely a hard-working and hard pressed class of women, who suffer most from the effects of unemployment, but to point out how necessary it is that all women should have the advantage of training for their primary employment.

Mothers' Pensions.

Evidence of the hardship met with by widows who are endeavoring to earn the support of themselves and their children, and of mothers with young children who while trying to keep the house tidy and the children cared for go out to work by the day, has been collected from the Toronto House of Industry, where 1,070 widows and deserted wives received support last year; from the Employment Bureau of the Toronto Women's Patriotic League, who sent unemployed women to country positions; in the Study of Women Who Work by the Day; and in general enquiry from those who are conversant with the needs of this class of workers.

Public opinion as to what measures of relief should be undertaken, is expressed in a letter to the Commision by Rev. Peter Bryce of Earlscourt Methodist Church, whose experience is from an oversight of a district of twenty-five thousand people, in the City of Toronto. Besides having charge of Earlscourt Methodist Church on Boon Avenue, Mr. Bryce is Superintendent of six branch churches.

"Regarding the employment of women, with young children, who work by the day: Our conclusion reached after close observation of all the issues involved, is that no mother, with young children, should be obliged to go to work. It is a crime against motherhood and childhood when a mother with little children has to leave her home early in the morning, not returning until the evening. The results are deplorable. The home loses its attraction; parents become irritable; the children suffer from the lack of mother's care and manifest that lack, both in body and spirit. The external and internal application necessary in keeping the little bodies clean and well demand all the time and strength of a mother."

"The little baby is the greatest sufferer when mother goes to work and apart from every other consideration, the claim of baby on society should arouse us to some action leading to the abolition of the need for mother's absence. I have known mothers wean their babies in order to go to work, with the most unhappy results."

"This question, of course, leads to many other questions. Why has the mother to go to work? What is the economic reason? Then if the mother be not allowed to go to work, it must be made possible for her to maintain herself and her children

in the necessaries of life. In my judgment, some system of mothers' pensions might well be a part of the programme in a well organized system of Labour Bureaux. I am confident the result achieved, and the reductions of expenditures in some other directions, would compensate for the expenditure involved."

The Trades and Labour Congress of Canada meeting in Vancouver during September, 1915, passed the following resolution:

"That the Executive of the Congress press the question of Mothers' Pensions upon the members of the Dominion Parliament, asking that a pension system be inaugurated as soon as possible."

The National Council of Women of Canada meeting in Toronto in October, 1915, passed a resolution as follows:

"Resolved that steps be taken to urge the Governments to introduce legislation which shall make provision for destitute and needy mothers with dependent children."

The Minority Report of the Poor Law Commission of Great Britain, 1909, recommended as one of the provisions for dealing with the unemployed:

"That for widows or other mothers in distress, having the care of young children, residing in homes not below the National Minimum of sanitation, and being themselves not adjudged unworthy to have children entrusted to them, there should be adequate Home Aliment on condition of their devoting their whole time and energy to the care of the children."

In connection with the subject of pensions for mothers with young children, it should be pointed out that when the mother goes to work by the day she is given a wage which is adjusted on the principle that the man's pay is to include the upkeep of the home and family and that the woman's pay includes only her own keep. (Minority Report, Part II, Section D., p. 211.)

This principle of payment extends widely through women's employments. Equal payment for men and women has a tendency to appear in the employment of the educated. Doctors charge the same fees, whether men or women, and consider that a difference in fees would involve unfair competition. Actresses receive as high payment as actors. A woman who is a novelist is paid as much for her writing as if she had been a man; the payment depends on the popularity of the book. But in the employments of the majority, the principle that the man's pay should include the upkeep of the home and family, and that the woman's pay should be only for her own keep, holds good. On the whole, this principle of payment appears to make unemployment, when it occurs, more severe in its effect on the woman wage-earner. Seasonal unemployment in the same way is more serious for the woman worker. Generally speaking, women wage-earners are not convinced that the principle works out justly.

Women and the Management of Spending.

Apart, however, from pensions, there is an educational policy which, if adopted, will be helpful to the mothers of young children who have been compelled to work, and to the people of Ontario in general. This is a recognition of the fact that since women have the spending of the larger portion of the family income, they should be given instruction in the management and spending of money.

Instead of not needing to know about money, it is particularly necessary that women should have such knowledge of its buying powers as only experts acquire. The principles of thrift and saving, the necessity for knowing the amount of money that she has to spend in a year and to plan her spending accordingly, will not seem very helpful to the woman who has no money with which to buy food, but that these principles would save much misery in many households in Ontario, if they were applied wisely, cannot be doubted. As a rule, women who are ignorant of how to use money and food to the best advantage, are not greatly to blame for their ignorance. They have not had an opportunity to learn. The paid employment of women with young children will largely decrease, when it is more economically advantageous for the woman to stay at home than to go out to work for $1.25 a day. An improved knowledge of food values, of how to buy wisely and economically, of sewing and the remaking of clothes, of thrift and saving, and of the use of small gardens in which to grow vegetables, are means by which the woman who goes out to work by the day will do better in dollars and cents by staying at home. Such knowledge as this has been slightly regarded in Canada, so far at least as taking measures to secure it for the women of the country. Yet it is to such knowledge that we must look to increase the well-being and happiness of family life and to counteract at least in some measure uncertainties of employment.

Homemaking and the Care of Children.

The occupation of the average paid worker changes from that of factory worker, saleswoman, office employee, etc., to the occupation of homemaking and the care of children. The failure to fit the one occupation into the other, and to act on the principle that the individual worker's life is a whole and cannot be broken into unconnected parts, except with loss and harm, has resulted in injury to paid occupations, and to the primary employments of homemaking and the care of children.

It has been found that the girl worker in many women's employments is influenced in the quality of her work, by a feeling that she is unlikely to continue in wage-earning employment. This attitude is hurtful to her success, not only as a wage-earner, but as a woman. Girls and women must be taught so they may realize that if a girl is an unsatisfactory, indifferent saleswoman, stenographer, factory worker, or other worker, the probability is that she will be an indifferent and unsatisfactory wife and mother.

The idea that marriage is an escape from work is an injustice to the dignity of marriage. Misconceptions of real life and its purpose and of work are fostered among girls and women. It would be a gain, both to efficiency and steadiness of employment in paid work, and to the efficiency of homemaking and the care of children, if these two primary occupations of woman were recognized by the Government as among women's employments. There is no reason why statistics of homemaking and the care of children should not appear in the Census. We are also greatly in need of statistics of other women's employments.

The necessity for recognition of the care of children as an employment of women, and the need of special training for this employment are made evident in statistics which follow. Several considerations need to be taken into account in examining these statistics. For instance, in Ontario, the rate is probably higher than it would be if all births were registered. *But there can be no doubt that Infant Mortality can be reduced at least to one-half of what it now is, if the care of children is made the skilled occupation that it ought to be.*

	Deaths under 1 year per 1,000 births registered.	Year.
New South Wales[1]	69.29	1914
Victoria[1]	78.27	1914
Queensland[1]	63.93	1914
South Australia[1]	75.79	1914
West Australia[1]	68.12	1914
Tasmania[1]	71 46	1914
Northern Territories[1]	51.72	1914
Federal Territories[1]	76.92	1912
Commonwealth of Australia[1]	71.47	1914
New Zealand[2]	51.	1910
England[3]	108.04	1913
Ireland[3]	87.14	1914
Connecticut[2]	127.	1910
New Hampshire[2]	146.	1910
Rhode Island[2]	158.	1910
Boston[4]	125.	1911
Boston	115.	1912
Boston	111.	1913
Boston	103.	1914
Ontario[5]	119.2	1910
Ontario	112.1	1911
Ontario	110.3	1912
Ontario	117.7	1913
Ontario	103.2	1914

Where reduction has taken place, it is the result of active effort.

As has been stated, there are at least 175,000 women in paid employments in Ontario. The fact that the average woman wage-earner marries, causes a constant change in these thousands. Yet although the individual workers change, the multitude does not vary, except to grow larger, since the place of one who has changed her employment is taken by another, generally speaking a younger worker. Comparatively few older workers continue in the employment and help to make it satisfactory for themselves and others; and in this way, the employment of women is more difficult to organize, standardize, and improve, than the employment of men.

Country Employments.

The membership of the Women's Institutes of Ontario is nearly 30,000, which is said to be between 18 per cent. and 25 per cent. of the whole number of women in the farm homes of the Province. These are either wives or daughters of farmers. No exact statement can be made as to how many of these are young unmarried women who work at home and who are engaged in housework of a more varied character than that carried on in city homes. They are occupied as well in some field work, and in addition in productive work such as butter-making, poultry raising, the keeping of hens for the purpose of selling eggs, and so on. The productive value of the work of farmers' wives and daughters is deserving of recognition which so far has been largely absent.

[1] Bulletin No. 32—Australian Population and Vital Statistics, Australian Commonwealth, 1914.
[2] Bulletin, Children's Bureau, United States Department of Labour, Washington, D.C., 1910.
[3] Bulletins issued by the Local Government Board, 1913-1914.
Boston—Annual Report, Milk and Baby Hygiene Association, 1915.
[5] Ontario Government Reports, Provincial Board of Health, 1910 to 1914.

No one can carry on a study of industrial work among women without becoming aware of the fact that young women in somewhat large numbers come from the country to the city, to engage in various forms of paid work. The fact that they do not receive for their work in the country home, sufficient return of some kind to make them satisfied to stay, appears to be one of the most forceful reasons why they come to the city. This reason was given as second in order of importance, in a report presented to the recent meeting of the Women's Institutes in Toronto (November, 1915), as accounting for the migration of young women from the country. It can be stated unhesitatingly as one of the reasons for the decline in rural population. Where young women do not stay, it is not likely that homes will increase.

If for this reason alone, a careful statistical study should be made of the state of employments for women in the country. In remedying unemployment, however, a further reason is to be found for such a study, since the country employment of young women acts as an alternative employment for many in times of depression. During the autumn and winter of 1914-15, numbers of women who had lost their positions in the city returned to their country homes. This was for them and the community a welcome and immediate relief.

The movement to organize country life, which has established the Summer School for Rural Leaders at Guelph Agricultural College, has resulted in a plan to organize Girls' Institutes. These Girls' Institutes, with other work, will undertake to teach girls in country homes how to preserve and can fruits and vegetables, both for home consumption and to sell, and will organize markets for this product. This plan should receive every commendation from the standpoint of satisfactory country employments for women.

The Education of Girls.

Summing up what have been found to be causes of unemployment and unsatisfactory employment for women workers, the difficulty exists largely in what is now omitted from the education of girls.

Girls should be taught at home and in school (for if this knowledge is left out of school training, we have no means of securing that it must be taught) :— domestic knowledge, including food values and health; a knowledge of the use of money, including housekeeping accounts on a budget plan, thrift, buying, saving, and such economical matters as what should be paid from an income for rent, food, etc.; the care of children; some knowledge of the making of clothes; a knowledge of the value of co-operative effort, such as the working of self-help clubs; and the use of small gardens for growing vegetables.

Superior methods in the art of living, such as we need to learn and practise in Ontario, will not spring up of themselves without encouragement. Unless girls are taught how to take care of children they will not make the best mothers. The modern advertiser addresses himself to women. If girls are not taught how to use money, their teaching will come mainly from advertisements. Unless boys and girls are taught how to make gardens and what to grow in them, households will continue to be unthrifty.

The average girl leaves school at fourteen. What she needs to learn, she must learn mainly before that time. All the knowledge spoken of above, necessary to the equipment of a successful woman, can best be learned early.

Specialized Training and Employment.

The girl who has been educated on the lines laid down above, has the best chance of steady, successful employment, in whatever occupation she may enter. In addition, personal character is a strong factor in continuity of employment. And one cannot but be struck with the occasional marked prominence of ability to get on with others, as a means of securing continued employment. The relation between steady employment and specialized training is also important. When little training of any kind is required in an employment, the power of the individual in holding a position seems correspondingly small. The skilled nurse and stenographer are examples of workers whose specialized training secures employment. A permanent authority on employment, however, is required, which can make known whenever a skilled occupation seems likely to become overcrowded. Specialized training, with due regard for the demand for workers in an occupation, practically secures steady employment in Ontario. Such training should be obtained for young people whenever possible.

Workers' Associations.

Associations of workers in an occupation offer one of the best means for securing certain advantages and overcoming some of the difficulties which have been found to interfere with the satisfactory employment of the individual. Trained nurses and women journalists have associations, which have worked to the advantage of the occupations named. The Canadian Business Women's Club is an example of what business women have done in forming a useful association.

To be effective in bettering an employment, these workers' associations should be democratic in their management. The members of the employment themselves should be the organizers and managers of the association; and when established, the management should not be left in the hands of a few, nor should the same officers be elected year after year. To be of genuine use the association should be a friendly democratic body of workers, in which the will of the majority is active and ruling.

Ways in which a workers' association may be useful to the members of an employment are as follows: Promoting comradeship and recreation; studying and raising the standard of employment: training and fixing standards for trained workers; providing classes and lectures in general improvement; aiding to secure employment for the members of the association: helping newcomers and advising as to personal doubts and difficulties which beset workers in their various employments. Many of these ends are now being served by workers' associations. In addition, such associations could study and work for the improvement of the health of members of the occupation, and to better conditions in the occupation generally. The field for such associations among house workers, factory workers, saleswomen, waitresses, etc., can hardly be valued too highly. For girls boarding in a city, the comradeship alone that is provided makes it worth while to form such an association. Loneliness may be almost banished, and health greatly improved.

The advantage which has been secured for the community through Women's Institutes is offered as an example of what such associations of women workers in one occupation can do. These Institutes have a membership drawn almost exclusively from wives and daughters of farmers engaged in homemaking, the care of children, and productive work which is carried on by women on farms.

Reference should be made to a certain amount of excellent welfare work, which is being provided by a number of employers. This work is undoubtedly useful in promoting health, thrift, self-improvement, and in securing greater efficiency for the worker, besides the help which is often given in times of sickness and distress. Welfare work is a proof of good-will, and is often a recognition of the just claim of the worker to better conditions. Employers are urged to give assistance and encourage leadership in the formation of such workers' associations as have been described above.

Feeble-mindedness and Unemployment.

A limited number of feeble-minded persons was found to have registered at the Employment Bureau of the Toronto Women's Patriotic League, and also with the Committee who arranged for positions in the country for women out of work. A somewhat large proportion of feeble-minded girls and women was found, on enquiry, in reform and penal institutions. These undoubtedly add to the number of the unemployed in Ontario. A statement with regard to Mental Defect and Unemployment is given in Appendix E. 1.

Unemployables.

In two reformatory institutions for girls and women in Ontario 152 inmates out of a total numbering 233 are under twenty years of age; 33 inmates, in addition, are under twenty-five years of age. Those classed as having come from unsatisfactory homes are 205 out of 233 inmates. Out of the same number, 233, 143 are native Canadians. Reports from these two institutions further say that the strongest influence in setting inmates in a good way of living is "interesting work . . . always provided there is an awakening of the soul." The next strongest factor is "Innocent recreation. I do not mean to depreciate the great power of living religious influence, but I do think the ground must be prepared for the good seed." A further reply is that "they are not likely to become decent citizens without training in industrial work." "The strongest factor is skill in some one kind of work."

Ninety-three per cent. of these mentally sound, do well after leaving one of these institutions, when they have been taught a trade. The inmates are girls of 18 years and under.

It should be specially noted that a high percentage of the inmates of these institutions is native born. A class which may be described fairly as unemployable, for the present at least, is growing up in Ontario. The difficulty is not from outside nor of the foreign-born, it is within the country and native.

One cannot but connect with these young unemployables the class of workers described as irresponsible earlier in this Survey, girls who change from one position to another, and are never long in any work. While part-time training and vocational guidance will do much to cure and prevent the evil of young workers becoming unemployable, it is believed that only special individual care on the part of good citizenship, taking the form of after-care committees, will really provide for the satisfactory employment and redemption of this class. Each young worker who is in danger of becoming unemployable, needs to have a helper who is a friend.

Older women, who are unemployables, may be found in gaol, in houses of industry as casuals, and appearing before police magistrates. Some of them pass

endlessly through a circle which includes police court, gaol, reformatory, hospital, house of refuge, and back again shortly to the police court. Some of these women are sentenced many times.

One day last summer there were 32 women inmates in the Toronto Gaol, 10 for the first time, 6 for the second time, 1 for the third time, 4 for the fifth time, 4 from five to ten times, *and 7 over ten times.* The number of women prisoners admitted to the Toronto Gaol during the last Government year, "repeaters" not being counted more than once, was 995.

This comparatively large number of women accounts for many unemployables and a certain amount of the unemployment existing among women. Any measures taken, to deal permanently with the individual members of this class, will lessen unemployment.

Conclusion.

All women are strongly urged to interest themselves, both as individuals and in organizations, in such matters as the practical education of girls, vocational guidance, after-care committees for young workers, women workers' associations, the training and organization of house-workers, the advocacy of thrift, the use of small gardens, and the recognition of home making and the care of children as occupations.

Whatever action the Government may take, and whatever leadership may be provided, the questions affecting women's employment, vital to happiness and well-being, cannot be solved without the co-operation of the women of the Province.

Recommendations.

Your Commissioners wish to emphasize:

1. The economic and social importance of wage-earning employments among women in Ontario. Investigation indicates that there are at least 175,000 women wage-earners in this Province. While it is true that many of these women marry after some years spent in paid work, their places are taken by other, generally younger, women workers, and thus this great total remains undiminished and will increase as manufacturing industries expand. The fact that such numbers of women are at work and the significance of this fact have not been sufficiently realized, and thus, adequate action has not been taken to make their employments conform to the interests of the community, the family and the individual worker.

2. The working life of women wage-earners is spent first in paid employment, and afterwards in home-making and the care of children. This fact of marriage must be taken into consideration if the woman's employment as a paid worker is to be successful, and much more if her work in home-making and the care of children is to be skilled, and the contribution to the welfare and progress of the country that it ought to be. Failure to connect the two parts of the women's working life into a whole results in injury both to paid employment and married life.

3. The regularity and quality of the average woman's work depend largely on the wise personal care and training which she has received at home and in school. The health of the woman worker is an important factor in woman's employments.

Your Commissioners, therefore, strongly urge:

1. That practical education be more fully provided for girls in the schools of the Province, and that their training should include the study of food values, cooking, health, physical training, instruction in the use of money, thrift, home economics, and the care of children, some knowledge of the making of clothes, and other practical matters such as gardening and the advantage of self-help clubs.

2. That the Provincial Labour Commission take steps to encourage the organization of workers' associations among women in employment. These associations provide comradeship and recreation and are a means for promoting health, efficiency, and co-operation among women, as well as helping to secure steady employment. The work accomplished by associations of trained nurses, and the remarkable achievements in good citizenship of Women's Institutes are indications of results which can be obtained through women workers' associations.

3. That, since changes resulting from the development of many paid occupations are tending to interfere seriously with the position held by home-making occupations, recognition should be given by educational authorities and the State to home-making and the care of children as women's occupations which require training, skill, and a high degree of efficiency. Your Commissioners believe that such recognition will be to the advantage of home-making and wage-earning occupations, and the community.

Your Commissioners further respectfully recommend that the Government should pass legislation to secure the following:

1. Training for house-workers. (*a*) Training schools to be established in connection with existing Welcome Hostels for immigrant women intending to be house-workers and certificates granted to competent workers. (*b*) Training classes (with certificates to graduates) to be established in connection with technical schools and in other schools where such arrangements are possible. (*c*) Part-time courses of training, with certificates, to be arranged for house-workers in positions. (*d*) The Provincial Employment Bureaux to co-operate with these training schools and classes.

2. Classes in salesmanship to be established in technical schools.

3. No business college to be allowed to teach without license from the Department of Education. Such schools and colleges to be inspected and required to maintain a standard of teaching to be fixed by the Department.

4. The prison farm system, which has been begun for women prisoners, to be extended as speedily and widely as practicable, with an indeterminate sentence. Prisoners and inmates of reformatories who have no trade to receive training in some skilled occupation.

Section 3.

RELATION OF SCHOOLS TO EMPLOYMENT.

The Commission are satisfied that much unemployment occurs in the transition from the school to paid employment. Almost unsupervised, boys and girls drift in and out of occupations, for which they find themselves unsuited. Nor does this ill-effect terminate with adolescence. After several years of work, without educative value, or prospect of permanent employment, numbers are left untrained and unemployed. They naturally drift into the ranks of unskilled labour, and at best have a precarious livelihood.

Unemployment among adults is due not only to causes beyond the control of individuals, but also to defects of character. *Whatever the school can do, to prevent the development of those defects, will directly lessen unemployment, of the kind that is most difficult to handle.*

It must be remembered that most children leave the school at the age of fourteen. Real mental awakening seldom occurs until afterwards. An added year of education, given partly to academic work and partly to manual or trade training, would prove of incalculable advantage. Through this added year aptitude might be discovered and capacity for self-support ensured in a way not possible when the child leaves school at fourteen and begins work without special training. The Department of Education has shown itself alive to the great need of instruction for young people in industrial, agricultural and household occupations. Arrangements have also been made for raising the school age to fifteen in localities which recognize the increase in efficiency thus to be secured. But even these provisions have not kept pace with the changing industrial system. There is need for further decided action.

Amendments to the Department of Education Act.

Your Commissioners, therefore respectfully recommend that the Act regulating attendance at school, subject to the provisions of the Truancy Act, 9 Edward VII, Chap. 92, be amended in these respects:—

1. To require all primary schools supported by the public funds to provide within a limited time facilities for domestic and manual or agricultural instruction;

2. To raise the school age, so as to leave with the parent the choice either,

(*a*) of leaving the child in school until the fifteenth birthday, or

(*b*) of placing the child in an Industrial, Agricultural or Domestic School from the fourteenth to the fifteenth birthday, or

(*c*) of removing the child from school at the present school age, for an industrial, agricultural or domestic pursuit, to be combined with part-time industrial, agricultural or domestic instruction until the sixteenth birthday.

Vocational Guidance and the Schools.

The Juvenile Departments of the Local Employment Bureaux should be placed in charge of a second Assistant Director, with whom may be associated one or more investigators to prepare vocational information.

In order that parents and children may fully realize the need of additional training, and lest the drifting of children from job to job destroy the result of this extended education, it is desirable that some permanent agency be formed to connect the schools with the life work of pupils and by personal influence to supplement this vocational information. It is essential, therefore, that Vocational Guidance should be made a part of the School System of Ontario, under the Department of Education. To this end, your Commissioners respectfully recommend that the Educational Authorities be given power to establish:—

1. In the country, Committees to study and promote country employments with a view to finding occupation for young people in the country, and for the extension of manual, domestic and agricultural instruction in the schools of the district;

2. In the cities and towns, Committees to assist in advising children as to choice of occupation and the need of further training for their work.

The Committees referred to should co-operate with the Assistant Director in the organization and management of the Juvenile Department of the Local Employment Bureau.

While the initiative should rest in every case with the Educational Authorities there will be places in which these Authorities neglect to use their power. In such cases power should reside with the Director of Employment Bureaux to establish such an organization as circumstances may demand.

Section 4.

INDUSTRIAL CENTRES AS A MEANS OF ASSISTING THE HANDICAPPED UNEMPLOYED.

Your Commissioners recommend the establishment of Industrial Centres by the Government where certain classes of the unwillingly out of employment, and destitute, may be organized and assisted to engage in self-supporting occupations.

The classes for which these centres would be chiefly designed are: 1. The physically handicapped, for whom specially designed occupations are possible; 2, the aged, destitute, but not infirm, who are able, under proper surroundings, to earn, at least, a portion of the cost of their support, and 3, casual workers, who, on account of the uncertain nature of their employment, are always more or less destitute and, in times of general depression, are unable to find work by which to provide food and shelter.

The object of the proposed Centres is to provide opportunity for as large a measure of self-support as the capabilities of the workers will permit, and by co-operation with the Provincial Employment Bureaux to secure suitable employment for the workers as speedily as the nature of each case admits. Some enlargement of this work may be found necessary in periods of abnormal depression, but the remedy for these conditions should be sought in other directions.

The men should voluntarily elect to take advantage of the work offered. The payments proposed are the necessaries of life and training along certain lines. It may be found advisable to make the acceptance of charity and refusal to engage in such work a ground for committal as vagrants.

Conditions of admission and details of administration would be determined by the Superintendent in charge and an Advisory Board. During the early stages, at least, of such an undertaking, large discretionary powers must be delegated to those in charge since judgment must be exercised after the nature and qualification of the applicants are ascertained.

In recommending the establishment of such Industrial Centres, your Commissioners have been influenced by these, among other, considerations:

The problem of the handicapped unemployed cannot be effectively dealt with by private industry, and private charity should not be charged with the care of those who, if better organization and direction were provided, would develop capacity for self-support while retaining their self-respect.

More important still is the fact that for the classes referred to some provision must be made if they are to be prevented from drifting, with gradually weakening resistance, into the ranks of the dependent and unemployable. Not sentiment, but justice, requires that for the destitute, who are willing to work, an alternative should be provided by the State for pauperism, vagrancy, despair, and in not a few cases, suicide. In Toronto alone, during the past year, men took their own lives, leaving written statements to the effect that the cause was unemployment, and inability to struggle against what appeared to them to be irresistible, adverse forces. Attention is drawn to this here, not to enlist sympathy, but to enforce the claims of social responsibility. This responsibility will remain undiminished until organized effort has been made by the stronger members of society to supply the leadership through which alone they may be absolved from contributory neglect. The present System of Prison Farms provides Industrial

Centres for those who have broken the law; it appears of equal, if not more importance that for those who are still law-abiding and self-respecting, a protective organization should be supplied, which will supplement their own efforts against vagrancy and pauperism.

The following suggestions are submitted for the consideration of the Superintendent in charge and the Advisory Board, should the proposed Industrial Centres be organized.

1. An agreement to remain at the Industrial Centres for not less than six months, subject to the decision of the Superintendent in charge, to be required from all applicants.

2. Production of food supplies and such forms of industry as do not call for much skill or previous experience to be at first engaged in; later on, a variety of commodities might be produced to fill orders secured from the Provincial or Dominion Governments. Under skilled supervision, it may be possible, also, to design some form of product for which a sale in the open market might be found.

3. Except in special cases, payment to be graded according to the value of the service performed. It should be made in food, clothing and shelter, instead of money, but small payments in tobacco, or other luxuries to be permissible.

4. The more efficient to be promoted to positions as working foremen, when money payments may be made for instructing others, as well as for the productive value of their own work.

5. Incentives to self-improvement to be offered; for instance, opportunity to graduate into the Provincial Farms as a preparation for independent farming. A certificate of fitness as skilled agricultural labourers might entitle men to the first permanent positions to be secured through the Provincial Employment Offices.

6. The relation of the men in the Centres to be that of employees; decision as to occupation, hours of labour and degrees of payment, to lie with the Superintendent and the Advisory Board. The aim, apart from the training given, would be to employ the ability of the workers to its greatest productive value in exchange for security against the destitution otherwise facing both men and families.

7. It is thought desirable to leave with the Superintendent in charge, and an Advisory Board, discretion in determining what, if any, payments should be made to workmen when they have dependent families. In some cases, the wives of the men may be engaged as cooks; in others, small payments may be made to keep families in their present homes.

8. Special rates of transportation to be secured from railways and steamship companies—in the case of railways, not to exceed 1c. per mile.

Section 5.

VAGRANCY.

Your Commissioners are convinced that special measures are required to deal with the considerable body of wastrels and vagrants whose existence gravely complicates the whole problem of unemployment, by interfering with the efficiency of measures for the relief of the industrious unemployed. There should be Province-wide co-operation in taking these parasites off the street, and subjecting them to such treatment as may restore them to useful citizenship.

Effect Upon Charitable Institutions.

Our investigations clearly demonstrate that in periods of depression the shelters maintained for homeless workmen are largely frequented by more or less able-bodied men whose only ambition is to escape labour and obtain a precarious living at the expense of the public authorities and the charitably disposed. Their maintenance taxes resources that should go to the relief of the worthy unemployed. They intercept assistance intended for the deserving poor, and needless suffering is thus imposed upon the latter class. These wilful vagrants are often exceedingly clever at their profession of obtaining alms and living off the community. Knowing that they must make a pretence of seeking work before they can successfully impose upon the charitable public, many of them go through the formality of registering their names with some public employment agency. The possession of a registration card protects them from interference by the police and furnishes them with a key to the generosity of the public. The least deserving of all the needy, they trade persistently and successfully upon the liberality of the people.

Effect upon the Unemployed.

Not only does this army of vagrants continually bring the deserving unemployed into disrepute; their influence is definitely bad, their idleness is contagious, they are a corrupting leaven, which has a deteriorating effect upon unfortunate workmen forced to associate with them in public homes and shelters.

Effect Upon Employment Agencies.

The prevalence of this deliberately and chronically idle class demoralizes the employment agencies and labour bureaux. If assigned to work by an employment bureau, these vagrants default or display such incompetence that the bureau and its efforts to organize the labour market are seriously discredited. The experience of the Toronto-Hamilton Highway Commission is described elsewhere in this Report. This work has been seriously hampered by the fact that many who were sent from the Civic Employment Bureau of Toronto were merely vagrants. This occurred although the greater number of those registered with the Bureau were honest and willing workers. Our present method of handling vagrants has broken down. The vagrant thrives on Soup Kitchens, Houses of Industry, Salvation Army Shelters, and similar institutions, maintained for the purpose of rendering temporary assistance to a worthier class. The experience

of Toronto in this respect is conclusive for the city has become a popular rendezvous for the habitual loafer, the nomad of the highway, and the man, who, under no circumstances, will work more than a few hours at a time.

Remedial Measures.

The difficulty of dealing with the vagrant is summed up in Sir Mathew Hale's remark, two and a half centuries ago, that "a man who has been bred up in the trade of begging will never, unless compelled, fall to industry." Able-bodied vagrants must be made to work for their living until they have acquired the habit of self-support. If the conditions of detention are too easy, many will welcome imprisonment, particularly in the cold weather, and return to their parasitic habits on release.

Therefore, the vagrant class must be taken off the street and away from charity. Those who systematically avoid work must be separated from those who desire the privilege of earning their own living. Thorough separation of the two classes is a long overdue measure of justice to the industrious poor and it must be regarded as essential to real progress in the solution of unemployment.

For such separation the existing system of Industrial Farms, still in the earlier stage of its development in Ontario, appears to furnish the necessary instrument or a model therefor. It is desirable that this system should be extended. Where necessary, a number of contiguous counties or municipalities could maintain a joint Industrial Farm for the accommodation of proved vagrants and confirmed wasters. The statutes already provide for such combined action, so that little new legislation will be required, except to render compulsory, regulations which are now permissive. When the system of Industrial Farms is complete and when magistrates under Government direction adopt a common policy of dealing with the wilfully unemployed, the futile practice of passing on vagrants from one municipality to another will be a thing of the past. An endless chain of unloaded municipal responsibility, makes the problem not easier, but more difficult to solve.

Regular labour should be the rule on these Industrial Farms, for the habit of work is acquired only through labour. Of such work many loafers are capable, if the necessary pressure is applied. It will be found expedient as well as equitable to pay wages, or a bonus by way of encouraging diligence and exertion and of providing clothing, and a sum of money to begin life again. The earnings of vagrants with families should go towards the support of their families.

For all alcoholic victims, we advise sentences sufficiently long to carry them beyond the period of immoderate craving for stimulants, and to set them free physically fit and to that extent fortified for a new start in life. It will be necessary to make special regulations regarding the treatment of old and feeble vagrants.

We should separate the vagrant from the criminal. Reasons are given elsewhere for believing that they belong to separate types. The former goes into custody because his condition, the latter because his conduct is a public danger. To the criminal, punishment may prove deterrent; but imprisonment is often welcome to the vagrant. Criminals and vagrants will best respond to different methods of treatment. A vagrant will stand a better chance of being restored to self-control and becoming employable if he is wholly withdrawn from contact with the criminal.

Treatment of Released Vagrants.

There remains the question of starting the vagrant aright when the period of his detention is over and he gets his discharge. To-day he returns to the cities, often full of good intentions and sometimes competent. There is little to help him maintain his new resolve, and the fact that the police, while ignorant of his amendment, know his doubtful past, is sometimes a considerable handicap. Failure to secure employment may drive him back to vagrancy. If he brings from the Farm his accumulated earnings, there is added danger. The control of these accumulated earnings constitutes a difficult problem of administration. The prisoner's rights are qualified by the need of protecting him against himself. Mr. Archibald's suggestion, that payment take the form of a specific claim for board and lodging, to be paid for when the sum has been exhausted, merits serious attention. Such a claim cannot be sold, as a means of getting liquor; nor can the man suffer want, till this has been exhausted. Nevertheless, the most pressing need is that of putting him at once to work. Your Commissioners believe most strongly that if the possibilities of reclamation are at all to be realized, Industrial Farms must be linked so closely with Employment Bureaux, that these can assist vagrants on release. The provision of some form of good conduct certificate, for the discharged vagrant who has deserved it, would facilitate this.

In this way Employment Bureaux can serve two special purposes in addition to their ordinary task of providing work for the unwillingly unemployed. They can certify to magistrates (when this is the case) that a workman charged with vagrancy has formerly accepted work and tried hard to get it before arrest. They can also assist the former vagrant to make a successful use of his new opportunity in life.

Your Commissioners, therefore, respectfully recommend:

1. The adoption of such measures as will remove the vagrant from the labour market, take him off the street and away from charity.
2. Centralized State control of all authorities and agencies dealing with vagrants and homeless men.
3. Extension of the Industrial Farm system, with such training as will make for their reformation, inculcate habits of industry, and prepare them for earning an honest livelihood.
4. Such instructions to magistrates as will ensure uniform treatment of vagrants all over the Province.
5. The segregation of vagrants from criminals.
6. Such connection between the Industrial Farms and the Provincial Employment Bureaux as will enable officers of the Bureaux to help vagrants on release to secure employment.

CHAPTER IV.

PROVISIONS FOR THE RELIEF OF UNEMPLOYMENT.

Section 1.

INSURANCE AGAINST UNEMPLOYMENT.

Unemployment which is due to personal defects calls for special reference, and is discussed elsewhere. For unemployment resulting from trade depression, or the temporary dislocation of business, workingmen are not responsible. The extent of this fluctuation in 1913 and 1914 has been the subject of a special enquiry. According to 651 firms who answered the enquiry of the Commission, the average number continuously employed by them in 1913 was 78,077. During 1914, this number was reduced by nearly sixteen per cent. Applying the same measurement to all industrial operatives then in Ontario, as calculated from the Census returns of 1911, it is found that the extent of industrial unemployment during 1914 equalled the full working-time of more than 30,000 persons. This does not mean that the number stated was continuously out of work; but from the information obtained, it would appear that the average period of unemployment for not fewer than 70,000 industrial operatives was about fifteen weeks.

Workers engaged in transportation, merchandising and personal service, are not included in these figures. Nor are the men in the building trades. Their period of unemployment in 1914 is indicated by returns, supplied to The Ontario Bureau of Labour, in which the average number of "days idle" is estimated at eighty-three. While in these trades a period of idleness may be provided for in rates of wages, this is by no means always the case.

To meet the conditions referred to, your Commissioners are of opinion that some form of unemployment insurance is desirable, in the interest alike of the workingmen, and of the municipalities affected.

Representations have been made to the Commission in favour of compulsory Governmental Insurance. It is unfortunate that there are no reliable statistics from which to calculate the risk of unemployment.

The Workmen's Compensation Act.

This difficulty faced the designers of the Workmen's Compensation Act, which, nevertheless, was carried into law; and it may be thought that a system of insurance against unemployment, analogous to that of compensation for industrial accidents, could at once be put into operation. There is, however, a great difference between industrial accidents and unemployment. "Bad risks," from the standpoint of Workmen's Compensation, do not demand attention. Few men willingly become victims of accident; and the task of eliminating those whom age or sickness render particularly prone to accident, can be thrown upon employers. Capital can thus be made to bear the whole financial burden. Though the risk of accident is not determined, charges can be varied from one year to the next, with the records of the past year for a basis.

Insurance against Unemployment differs from Workmen's Compensation in more than one respect. In the first place, "bad risks" may be deliberate. Some

men who look forward to receiving unemployment benefit may be willing to shirk work on that account. In the judgment of the Commission, no scheme of insurance can remain permanently successful unless a part, at least, of the sum received in benefits is contributed by workmen. Before the planning of the British National Insurance Act, Sir Hubert Llewellyn Smith, the departmental head responsible for its success, spoke as follows to the British Association:[1]

"The scheme must be contributory, for only by insisting rigorously, as a necessary qualification for benefit, that a sufficient number of weeks' contribution shall have been paid by each recipient, can we possibly hope to put limits on the exceptionally bad risks."

The conditions which require that the scheme be made contributory are, unfortunately, not confined to England.

The British National Insurance Act.

Since the Ontario Workmen's Compensation Act cannot be taken as a model, reference must be made to the British National Insurance Act. Few governments, as yet, have attempted anything of this kind. Denmark and France, with preparations less complete than those of England, have adopted the method of assisting voluntary schemes. Using that instinct of self-help, which sometimes leads the most thrifty workmen to provide their own insurance, these countries give state subsidies to associations paying unemployment benefit. Nowhere, except in England, has compulsory Government Insurance been adopted on a considerable scale. The calculation of risks was based, in England, on statistical data furnished by the Labour Unions, and extending over many years.

Outside Great Britain, an impression has arisen, that the British Act insures all workers in the country. This half-truth has caused a good deal of confusion. The National Insurance Act consists of two parts, separate in purpose and administration. Part I relates entirely to sickness and maternity. With certain exceptions, which may be ignored, all workers come within its scope. The whole of the provision for meeting unemployment is included in Part II. Though this is no less important than Part I, it is very partial in its application. Successive extensions will, doubtless, cover all the trades. At present, most of them are left untouched. In time of peace, the number who contribute to the British Fund and, when out of work, claim unemployment benefit from Government, is two millions and a half. In addition to this, some eight hundred thousand are enrolled in voluntary systems. These receive subventions from the Government, in no case exceeding one-sixth of the aggregate amount expended in benefits during the preceding year. Nearly twelve millions of workers, men and women, employed in the United Kingdom, are as yet without insurance.

The British system is administered by the Board of Trade through the Labour Exchanges. Thus the "bad risks"—men who prefer unemployment benefit to wages—are challenged, when work is available, with offers of employment. Not only must the system be contributory, but a test of fitness must be applied. Without the Labour Exchanges, the National Insurance Act would not have been successfully operated.

[1] Presidential Address to the Economic Science and Statistics Section given by Sir Hubert Llewellyn Smith, K.C.B., at the meeting of the British Association for the Advancement of Science in Sheffield, 1910.

Voluntary Systems.

In the voluntary systems, of which mention has been made, this difficulty does not arise. The burden of eliminating their "bad risks" is thrown on the workmen themselves. Through personal knowledge of their fellows, and through their business agents, they can do so effectively.

The subsidies paid in Denmark and in France make unemployment insurance possible, on a scale far greater than otherwise would be the case. As a financial safeguard, certain limitations of benefit are necessary. These may be made less stringent, as information accumulates regarding risks. Each extension increases the protection afforded by the system.

In the judgment of your Commission it would be inadvisable, with the statistics and experience available, for the Government to establish a compulsory scheme of insurance against unemployment. There are two preliminary requisites. The Department of Labour, whose creation is proposed, must establish a chain of Employment Bureaux, which will keep unemployment at a minimum. At the same time, it must, from month to month, collect such information, as will make possible a calculation of the risks. This involves, from the beginning, the fullest assistance from the workingmen themselves. A full trade cycle, including a boom and a depression, must be studied.

In assisting voluntary associations of workmen, the British Act provides subventions, equal to one-sixth of the sum paid in benefits. For the Province of Ontario, your Commissioners suggest subventions of one-fifth.

Your Commissioners, therefore, respectfully recommend:

1. That financial assistance be given by the Government of Ontario to those voluntary associations of workingmen which undertake to provide unemployment benefits for their members.

2. That the assistance to such associations equal twenty per cent. of the sums disbursed by them in Unemployment Benefits, under regulations approved by the Lieutenant-Governor in Council.

3. That the collection of statistics relating to the causes and risks of unemployment, be entrusted to the Department of Labour, recommended in Part I, Chapter II, Section 1.

Section 2.

ORGANIZATION OF CHARITABLE RELIEF.

Co-operation Between Public and Private Benevolence.

Relief to those in need is undertaken by the Province, municipalities and private benevolence. No central control exists, and no authority is charged with the duty of studying the best methods of relief and preventive measures, nor is there any authority which gives direction and leadership in the vast yearly expenditures of time, money, and effort for charitable ends. Our present methods of charitable relief do not aid in preventing unemployment, and do unfortunately help to create unemployables. The children of families in receipt of municipal and private benevolence in too many cases grow up to become charges on charity, and either do not receive training for employment or are physically and morally incapable of steady, self-supporting work. Instances have been brought to the notice of the Commission in which three generations in the same family have in turn received aid from the charitable institutions of an Ontario city. The first generation may have come from another country, but two of these generations have been born in Canada. To cease creating unemployables and a dependent pauper class, public and private benevolence must be so organized that they will co-operate with each other in devising effective preventive measures; in giving adequate relief to those in need; and in restoring those with whom they deal to self-supporting strength and independence.

Your Commissioners believe that a Provincial official or Board corresponding to the Provincial Board of Health, should have charge of the work outlined above, and other related matters. It may not be possible to take such action immediately; but whenever it is possible, your Commissioners believe that great good will result from adequate study, organization and leadership in this work by a capable Provincial authority. Local Boards controlling local charities would have the same relation to the Provincial Board as Local Boards of Health have to the Provincial Board of Health.

The State would have the advantage of a permanent organization and ample financial resources. Private enterprise brings resources of another character—disinterestedness, wisdom, special insight, and above all, an initiative which meets obstacles and discouragements with new plans, fresh courage and unabated sympathy. In every community there are men and women with the good-will; it is the duty of the State to supply the guidance and machinery through which this good-will may be made effective. It must never be forgotten that nothing the State or private initiative can do to help forward social reform will prove of such permanent value as the enabling of those requiring help to help themselves. To weaken self-reliance is to weaken self-respect, and too extended an activity upon the part of the State may result in loss of virility, initiative and perseverance in the class which most needs these qualities.

Control.

The Province could afford ample financial support to worthy charitable institutions if a tax were imposed on the sale of tickets for professional amusements. With public grants would necessarily go a measure of public control, or at least of public guidance. The Provincial Board eventually would control by license all

institutions and charities receiving Provincial grants. It would demand from such beneficiaries a standard of administration, and it would require within a reasonable time that the heads of institutions be trained and certificated superintendents. Conferences of these workers should be held regularly when methods of work, means of prevention and cure, and all problems affecting various classes of dependents would be carefully considered. In most cases institutions should be removed from urban to rural districts. In the case of institutions for children great care should be exercised to conserve personality and to give them training for employments suited to their individual capacities. Public canvassing for support of institutions should be permitted only after certain regulations prepared by a competent authority have been complied with.

It would be the part of wisdom for the State to provide a school for training social workers in order that its institutions may be efficiently administered, and that carefully sifted facts may be secured to help in the solution of problems in connection with which the institutions may be but a temporary expedient. It would appear that Provincial activities will be directed to relief rather than to reform until a sufficient number of men and women interested in their work secure the education and training which will fit them for successful institutional service. Unless assurance is given that persons so qualified will receive the preference in these Government appointments, the required workers to engage in definitely remedial work will not be forthcoming.

Prevention.

One outstanding conviction in reference to charity, arising from the information secured by the Commission during its enquiry on Unemployment, is that the present system of relief is not sufficiently supplemented by preventive activities. The acceptance by many of the present system as inevitable is one of the most discouraging discoveries of the investigation made. The value of impersonal service has also been greatly exaggerated in the public mind. While in some cases, giving or securing financial assistance may be the full measure of social responsibility, preventive and remedial action is largely dependent upon the wise personal service of those interested. It should be the aim of those charged with the relief or care of the homeless, the sick, the infirm, the crippled, the blind, the feeble-minded and all others whose welfare is a public responsibility, to shape their work towards the prevention and elimination of contributory causes.[1]

There should be a definite end in all social relief work, and this end should not only nor chiefly be efficiency of management, indispensable as this is, but the discovery and cure of the causes which burden the State and society, create misery and destitution, and perpetuate social wrongs and parasitism.

A marked distinction between relief and remedy arises from the fact that the one works chiefly through material means and from without, while the other operates through personal influence directed to the development of resistance and perseverance in the weak, and a greater appreciation of moral qualities in the mean and low.

It is the opinion of your Commissioners that the cost of charities to the Province and the community must continue to increase until a vigorous, State-guided effort is made to replace the existing agencies of relief by agencies definitely

[1] See "Mental Defect as a Cause of Unemployment." Appendix E I, prepared for the Commission by Dr. Helen MacMurchy, Inspector of the Feeble-minded, Ontario.

directed to remedies and prevention. It is not thought that even temporary additional cost will be involved in such a change, while the ultimate gain financially and socially would appear to warrant the early adoption of the policy. The Government of Ontario has already introduced far-reaching reforms in one Provincial Department; it is urged that similar methods be applied in the wide field of Charities.

Meanwhile, it is recommended that steps be taken to impress upon all charitable institutions receiving public grants, the urgent necessity for directing their attention to problems in connection with which the institution is only a palliative, and that annual confidential reports of such study and consideration be forwarded to the Provincial Department of Charities and Corrections.

Methods of Relief.

To be remedial it is evident that charitable relief must be sufficient to solve the problem of each separate case assisted. No one living on half rations can remain an efficient worker. If the worker is physically incapacitated by accident or sickness, no relief is adequate which does not provide medical attendance and such measures of assistance as will eventually ensure the worker self-supporting employment. To give money, or a meagre ration of food, or to supply hospital treatment without the after-care which is often necessary before the worker is fit for work, or to leave the worker without help in finding suitable employment, are methods of relief which end in the slow degeneration of many. It is at this point that private initiative and the will-to-help can supplement public benevolence. Let the State give sufficient material assistance to maintain life. Private benevolence should then earnestly study the case of the individual, first to find the character of the help which is needed, and then to supply that help. Many agencies should not deal with a single case. But the treatment of one case should be left to one agency, others assisting as their special work may be required, but only through the one medium agreed on.

In this way over-lapping and duplication can be prevented. It is generally true that over-lapping occurs because the help of one charitable society has not been sufficient, and others have been called in to supplement the inefficient efforts of a single agency.

Your Commissioners are of the opinion that private benevolent organizations should undertake to give help of this character to individuals and families who have applied for public relief. In this way, a large number of persons may be restored to self-supporting independence, and the creation of a pauper class prevented in Ontario.

In charitable institutions, as elsewhere, there are units of economy, but this policy is not now generally put into practice. There is also unnecessary duplication, some institutions occupying the same field as others in the same line of work. The Provincial official or Board referred to previously should have power, either to unite these institutions or to advise one to seek some other field of work which is open in the community. The administration of these institutions will be made more efficient as the standards set by the Provincial official or Board become effective.

Personal Factors.

Investigation has caused your Commissioners to place great emphasis on the necessity for considering personal factors before a plan of remedial relief can be made successfully for any family or individual. Poverty and distress are often caused by drunkenness. Children, especially, suffer great loss through the breakdown of family life, traceable to this failing. Widows and deserted wives charged with the support of young children have a strong claim on public and private charity. The home should be kept together and the mother enabled to give proper care to her children without suffering the loss of her own health through the strain of a too heavy load. The sick, the blind, cripples and all handicapped people who need help should be assisted to help themselves, and should be employed as far as possible. Only an inferior form of benevolence would deprive such persons of the measure of independence of which they are capable. Money can play but a small part in this form of relief compared with the personal care and thought which must enter into the solution of individual problems. Above all, children should be cared for so that they may become good-living, strong, healthy and happy citizens, fitted to bear their own burdens and to help in carrying the burdens of others. In every case, the inculcation of thrift and self-help is a great service to be rendered by public teaching and private benevolence.

Conclusion.

A deeper sense of responsibility for those who are unwillingly compelled to accept charity must impress itself on all who study social and economic problems. Communities have sometimes forgotten that Government activities should be definitely designed to advance the well-being of the average man and woman. In our modern industrial system, with its rapid and complex variations, many individuals are subject to misfortunes, such as loss of work, which they cannot foresee and prevent. If our social life is to retain its characteristics of democracy, our people must be safeguarded against disasters which are not of their making and given opportunities for higher personal development. To secure this end requires qualities of leadership and initiative, and the willing co-operation of all for the common good.

PART II.

DATA REGARDING UNEMPLOYMENT IN ONTARIO.

PART II.

CHAPTER I.

EXTENT AND DURATION OF UNEMPLOYMENT IN ONTARIO.

(1) *Extent of Unemployment.*

No country has yet been able accurately to measure the total volume of unemployment within its borders at a selected time. All estimates of this kind have been inferential, and in many the risk of error has been great. It has been found easier to measure the relative change in the volume of unemployment between one time or another. The method of stating the condition of affairs in terms of a previous condition has the merit of showing at a glance how serious a given situation has become.

In England the Board of Trade publishes each month in *The Labour Gazette* an account of the labour market in the previous month. This is based on returns from three sources. The principal labour unions of the country voluntarily return the number of their members, and the percentage who were receiving unemployment benefit at the end of the month in question. This is supplemented by returns from a number of firms in the same and other industries, showing the change in the number of their work-people during the third week of the month, as compared with the conditions in the month before, and in the corresponding period of the previous year. Since the passing of the National Insurance Act a further table has been introduced, which covers workers in the trades insured by Government. Thus the condition of the labour market is approached by several paths, and the coincidence of the results may be used to verify each table. This coincidence is, as a rule, complete.

For the German Empire similar results are collected and published in *Der Reichsarbeitsblatt.* Since there is in Germany no governmental system of insurance against unemployment, the third of the British tables has no parallel. The reports of employers and of labour unions are nevertheless a valuable guide.

In both countries these reports are supplemented by tables showing the proportion between applications for work at the public labour exchanges and the number of vacant situations notified. The business methods of each country maintain a certain normal ratio between them, and any departure from this is another sign of change in the conditions of employment.

No such information has ever been collected in Ontario. The reports of the Provincial Bureau of Labour make an attempt in this direction, but, for several reasons, this is unsuccessful. The small scale of operation of the Provincial Labour Bureaux makes their reports unrepresentative. The returns of employment supplied by manufacturers are given once a year instead of once a month, and for this reason cannot reflect immediate changes in employment. Moreover, these returns are purely voluntary. Those which report to the Bureau of Labour vary from one year to the next. The inclination to make reports is naturally strongest with the firms whose business is most prosperous. As a result, all that can be said of the returns supplied to the Bureau, is that they represent very roughly the condition of certain successful firms. It may be noted that, despite

the known decrease in the volume of employment among manufacturing operatives in Ontario during 1914, the Report of the Bureau of Labour, which deals with conditions in that year, shows a considerable increase.[1]

The regular statements of the Provincial Bureau of Labour have from time to time been supplemented by special estimates. Enquiries have been made, both by *The Canadian Labour Gazette* and by *The Canadian Municipal Journal*, as to the extent of unemployment in large centres of population. Some of the replies to these enquiries have been based on accurate and detailed knowledge; others have been simply guesswork. When accurate results are combined with these rough estimates the result must contain an element of error so large as to make the total unreliable.

The Commission was thus compelled to conduct its own enquiry, before judging the state of employment in the Province. It was impossible, in the absence of permanent machinery, to cover the whole field of employment, but an investigation of unemployment among manufacturing operatives was considered possible. The list of membership of the Canadian Manufacturers' Association was used for this enquiry. On May 20th, 1915, schedules were mailed to the managers of 1,637 factories operating in the Province.[2] A circular which accompanied the schedules explained the necessity for this information and guaranteed that the statements of individual firms would be treated as confidential. Of about 700 replies, which were received from industries of every kind, 651 were in a form that could be used. These were detailed statements covering, in firms established previous to 1912, each of the thirty-six months under review. The reports of firms established within the last three years were used only when the detailed returns covered every month since operations were begun. The average number employed in the 651 factories whose returns were tabulated was:—

In 1912		In 1913		In 1914	
Men.	Women.	Men.	Women.	Men.	Women.
60,108	13,151	64,292	13,785	53,144	12,554

This indicates a decline in the volume of employment during 1914 of 15.8%; or, by sex, of 17.5% for the men, and 8.2% for the women. It need not be added that if these figures represented the condition of affairs among all manufacturing operatives in the Province, the situation would have been serious. The corresponding figures for England, in a time of trade depression, seldom exceed 5%.

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[1] See the Introduction to the Fifteenth Report of the Bureau of Labour, Ontario, 1914.

[2] The form was as follows:—

Firm .....

Town or City.....

Nature of Industry .....

Number of employees on pay-roll last pay sheet of the month.....

	1912.		1913.		1914.	
	Men.	Women.	Men.	Women.	Men.	Women.
Jan.	.....	.....	.....	.....	.....	.....
Feb.	.....	.....	.....	.....	.....	.....
March	.....	.....	.....	.....	.....	.....
April	.....	.....	.....	.....	.....	.....
May	.....	.....	.....	.....	.....	.....
June	.....	.....	.....	.....	.....	.....
July	.....	.....	.....	.....	.....	.....
August	.....	.....	.....	.....	.....	.....
Sept.	.....	.....	.....	.....	.....	.....
Oct.	.....	.....	.....	.....	.....	.....
Nov.	.....	.....	.....	.....	.....	.....
Dec.	.....	.....	.....	.....	.....	.....

Since these figures relate to little more than one-third of the number of industrial workers, they cannot be taken as an accurate index for the whole. If the returns had been procured absolutely at random it would be possible, by the use of a recognized formula, to calculate the limit of error and deduce from these figures that not less than a certain percentage of the workers was unemployed during the whole of 1914. The formula indicates that this was at least 11%.[1]

In fact the selection was not made quite at random. In sending or neglecting to send their returns to the Commission, the managers of factories virtually selected themselves. The question arises, whether in doing so they have produced a result likely to exaggerate the condition of affairs.

An examination of the circumstances under which enquiries were made shows that the returns are more likely to have understated than to have overstated the volume of unemployment in each industry. Firms which were declared bankrupt in 1914, and which employed labour in the two preceding years, in most cases did not receive a circular. If returns from such firms were forthcoming, the effect would certainly be to produce a figure higher than the 11% which has been taken. Some firms have given so little attention to the matter of keeping records of employment that they cannot discover their variations in employment. These made no returns. Their lack of system renders them liable to fluctuations in employment greater than those among firms with more serviceable records. Again, among firms which keep sufficient records to fill in the returns, it is obvious that in this investigation, as in those of the Bureau of Labour, employers who had suffered comparatively little from the trade depression would be more likely to disclose their history than employers who had suffered more severely. On all of these counts it is probable that the returns received by this Commission were an under-statement rather than an over-statement of the facts.

On the other hand, it must be remembered that those whose records are so kept as to show their variation in employment month by month for years past are, as a rule, the larger firms. These larger firms belong for the most part to certain industries which have suffered most severely. Of the 651 returns which were received in good condition, 142 related to the iron and steel trade. This, as a rule, suffers more heavily from trade depression than any other industry. Consequently, in so far as the number of replies of iron and steel manufacturers was disproportionate, their records would exaggerate the amount of unemployment which existed.

For these reasons it was decided to make a calculation in more detail, by groups of industries. This was made possible by the kindness of the Dominion Census and Statistics Office, which supplied a special return showing, by fifteen groups of industries, the number of workers employed in 1911 in the manufactures of Ontario.

The least of these groups was the Hand Trades, which at that time included 3,687 workers. In the calculations that follow they have been ignored. The remaining groups included 212,875 workers.

The growth in each group of industries from 1911 to 1912, an uncertain quantity, cannot have differed very much from the growth between the years 1912 and 1913, when conditions were essentially the same. The change in employment, among the firms in each group who reported to the Commission, has therefore been determined for the year 1912-13, and this has been taken as a basis

[1]See Appendix B to the Report.

for calculating the change in the total number of workers engaged throughout the Province in that group of industries, between 1911 and 1913.

From the resultant figure, representing the average number of workers employed during 1913 in each group of industries, it has not been difficult to calculate, on the basis of reports received by the Commission, the probable numbers employed in 1914.

It is, of course, impossible to state these numbers with precision. The returns for the tobacco manufacture, in particular, are so partial as to be nearly valueless. Fortunately, however, the tobacco manufacture is the smallest of all the fourteen groups, and shows an actual increase in employment. Although it contains the largest element of error, an estimate of the numbers employed in this industry cannot produce much effect on the total result for all industries, and, if anything, will minimize the numbers unemployed.

At the other end of the scale, the reports from the iron and steel industry show that it suffered even more heavily than the building of vessels for water transportation. The Commission is fortunate in having secured returns covering at least two-thirds of all the iron and steel workers in Ontario.

Among the larger industries, in which a considerable error would be serious, the returns are ample in every case, except in that of timber and lumber and their remanufactures. The figures for this group of industries conform so closely to the general average for all groups, that it may be doubted if they contain an important element of error.

Thus, such errors as cannot be corrected are of comparatively small importance. It is almost certain that none of them amounts, in the calculation of aggregate numbers in all industries, to so much as one-half per cent. Moreover, they tend to cancel one another.

The first of the tables that follow shows the volume of employment, by groups of industries, in the firms that reported variations; the second shows the result of the calculations by which the total number employed by each group of industries in the Province as a whole has been estimated; the third, in simpler form, reflects the trade depression.

TABLE 1.

NUMBER OF OPERATIVES RETURNED AS EMPLOYED IN 651 FACTORIES IN ONTARIO.

Groups of Products.	1912.	1913.	1914.
Food products	4,827	5,053	5,571
Textiles	10,560	10,997	9,618
Iron and steel products	24,279	26,409	19,248
Timber and lumber and their re-manufactures	7,027	7,094	6,061
Leather and its finished products	2,503	2,489	2,288
Paper and printing	4,480	4,854	4,562
Liquors and beverages	1,065	1,083	1,066
Chemicals and allied products	1,999	2,476	2,262
Clay, glass and stone products	1,247	1,535	1,438
Metal and metal products other than steel	5,775	6,480	5,242
Tobacco and its manufactures	21	18	27
Vehicles for land transportation	2,709	2,612	2,095
Vessels for water transportation	536	681	534
Miscellaneous industries	6,231	6,296	5,686
Total	73,259	78,077	65,698

TABLE 2.

MANUFACTURES OF ONTARIO BY GROUPS OF PRODUCTS.

Groups of Products.[1]	Average Number Employed Throughout the Year.			
	1911.	1912.	1913.	1914.
Food products	20,518	21,482	22,492	24,797
Textiles	37,654	39,198	40,805	35,745
Iron and steel products	30,508	33,199	36,121	26,332
Timber and lumber and their re-manufactures	39,817	40.215	40,617	34,678
Leather and its finished products	8,257	8,174	8,092	7,571
Paper and printing	11,020	11,943	12,933	12,162
Liquors and beverages	2,199	2,236	2,274	2,238
Chemicals and allied products	2,611	3,230	3,996	3,656
Clay, glass and stone products	8,253	10,159	12,505	11,822
Metal and metal products other than steel	7,850	8,808	9,883	7,995
Tobacco and its manufactures	2,586	2,217	1,900	2,850
Vehicles for land transportation	13,637	13,146	12,673	10,164
Vessels for water transportation	1,591	2,022	2,570	2,014
Miscellaneous industries	26,164	26,405	26,686	24,082
Total	212,875	222,434	233.547	206,106
Increase or decrease	.....	+ 9,559	+ 11,113	- 27,441

By groups of industries, the percentage variation in the last two columns is as follows:—

TABLE 3.

	1913 and 1914, Plus or Minus.	
Food products	Plus	10.2%
Textiles	Minus	12.4%
Iron and steel products	"	27.1%
Timber and lumber and their re-manufactures	"	14.6%
Leather and its finished products	"	6.4%
Paper and printing	"	6.0%
Liquors and beverages	"	2.0%
Chemicals and allied products	"	8.5%
Clay, glass and stone products	"	5.4%
Metal and metal products other than steel	"	19.1%
Tobacco and its manufactures	Plus	50.0%
Vehicles for land transportation	Minus	19.8%
Vessels for water transportation	"	25.5%
Miscellaneous industries	"	9.80%
Weighted average decline		11.8%

It will be remembered that the decline in employment during 1914 among all the firms reporting to the Commission, was, on an average, 15.8%, and that a calculation of the probable error justified the statement that the decline which occurred among manufacturing industries in the Province as a whole was at least 11%. This minimum figure is well below, and is confirmed by the 11.8% as determined by the alternative method just mentioned. This latter figure indicates unemployment equivalent to the full working time of more than 27,400 industrial workers.

If the supply of labour had remained the same, and if there had been no unemployment at all in 1913, this would represent the full amount of unemployment among manufacturing operatives in 1914. Since neither of these conditions was, in fact, realized, a correction must be made on both accounts.

[1]This does not include the hand trades.

Of the fourteen groups of industries, twelve suffered a contraction in employment, while in two the number of workers showed an increase. The manufacture of food products employed 2,300 more workers during the whole of 1914 than during 1913; the manufacture of tobacco appears to have employed 950 more. Omitting these groups from the calculation, we find that the twelve remaining groups employed about 30,700 fewer workers in 1914 than in 1913. It is possible that some operatives, previously employed in other groups of industries, were absorbed into the manufacture of food products and tobacco; it is doubtful if many were so fortunate. In so far as they were not absorbed in this way, fresh supplies of immigrant or native labour, competing for a place in industry, must have intensified conditions. In other words, the growth in the number of unemployed industrial workers appears, at least, to have been between 27,400 and 30,700 persons.

To these we must add an estimate of the number of unemployed in 1913, in order to find the total volume of unemployment among industrial workers in 1914. The experience of British labour unions, which keep very careful records, shows that, even in the best of times, the number of their unemployed members seldom falls below 2% of the total membership. In a country whose wide spaces hinder the mobility of labour this proportion is almost certainly no less. Moreover, business in 1913 was not uniformly good. The tables[1] from which these estimates are made show that the busiest season was the spring. The demand for men was greatest in April of 1913, and for women in June. The total volume of employment, among firms reporting to the Commission, steadily declined from June to the end of September, and after a rally in October declined again till the close of the year. Since 2% appears to represent, for practical purposes, the minimum of unemployment in a time of great activity, and since there was a gradual cessation of activity during the latter half of 1913, it is more than probable that an investigation of the amount of unemployment in 1913, if it could be made, would reveal a percentage somewhat larger than 2%.

If the figure be taken at no more than 2%, the number unemployed throughout 1913 was about 5,000. On this basis the total number of industrial workers unemployed throughout 1914 was, not between the figures previously mentioned, but between 32,400 and 35,700.

One more possibility of error must be noted and allowed for, before these results can be taken as an index of actual conditions. The request for information, made by the Commission, was sent to 1,637 factories. The number of industrial establishments in Ontario, which had increased since 1901, was, excluding the hand trades, 7,780 in 1911. Thus, only 21% of all industrial establishments in the Province received the circular.

Nevertheless there can be no doubt that these included most of the larger factories. The average number of employees in all industrial establishments is returned in the Census as 27. The average number of workers employed in 1913 in the 651 establishments which reported to the Commission was 113. It appears that the 6,000 firms, or more, which did not receive the circular, employed in 1913 60,000 workers. Though there may have been a few large firms among them, the average number of employees per firm was ten or thereabout.

Few records were received from firms of this size, but it has been possible to make a rough analysis of 40. All of these were in continuous operation during

[1]For these tables, see Appendix II to the Report.

the years 1912, 1913 and 1914. None of them at any time employed more than 20 workers. The groups of industries, which form the basis of the preceding tables, are represented in this analysis as follows:—

Industry.	No. of Small Firms.
Food	5
Textiles	2
Iron and steel	5
Timber and lumber and their re-manufactures	3
Leather and its finished products	1
Paper and printing	5
Liquors and beverages	3
Chemicals and allied products	5
Metals and metal products other than steel	5
Miscellaneous industries	6

Without more definite knowledge of the distribution of the small firms among the several groups of industries, it was not possible to weight the calculation in accordance with this distribution. The number of workers continuously employed during 1912, by the 40 firms together, was 435. During 1913 the number was 446; during 1914 it fell to 411. Thus each individual firm, on the average, employed 11 persons. The decline in employment during 1914 was approximately 8%. While it is impossible, with this very limited information, to estimate the extent of unemployment among all the workers employed by the small firms, it appears that their history cannot have differed very much from that of the larger firms reporting.

The difficulties connected with this attempt to measure unemployment need not be underestimated. The survey which has here been analysed is subject to qualification in various respects. It appears, nevertheless, that in 1914 the extent of unemployment among the manufacturing operatives of Ontario was very large.[1] Since the small firms may have suffered somewhat less than their larger competitors, the upper limit of the previous estimate may be neglected. The fact that does emerge from this investigation is that, during the year which has been studied, more than 30,000 of our industrial workers were continuously unemployed. The proportion was about 14%.

(2) *Sex and Unemployment.*

It may be recalled that, in the mass, the records supplied by manufacturers to the Commission showed an (unweighted) decline in employment of 17.5% among the male operatives, and only 8.2% among women. Thus the first impression given by the figures was that the greater risk of unemployment was among the men. Even after the necessary qualifications have been made, this difference appears in the detailed final calculation. The estimated number of men and women employed in the manufactures of Ontario in the three years which were covered by this investigation is as follows:—

	No. Employed		Increase	No. Employed	Decrease
	1912.	1913.	1912-13.	1914.	1913-14.
Men	166,013	175,069	5.4%	152,372	12.4%
Women	56,421	58,478	3.7%	53,734	8.1%
Total	222,434	233,547	5.0%	206,106	11.8%

[1] An enquiry made in December, 1914, by the Mayor's Committee on Unemployment of New York City, which covered 404 factories and 77,270 workers, indicated a decrease in the number of operatives employed, as compared with conditions in December, 1913, of 13.5%. The corresponding figure for 651 factories in Ontario was 20.7%. See Bulletin of the United States Bureau of Labour, Whole Number 172.

It is probable that the numbers of the men are a little under-estimated, and those of the women a little over-estimated. Nevertheless, records covering so many cases should show the change in the relative volume of employment with substantial accuracy. It will be noted from these figures that in the former year the demand for women's labour grew one-third less quickly than that for men's labour, and that, in the latter year, the falling off was in much the same proportion. The detailed calculation of unemployment among men and women reduces the figure for men from 17.5% to 12.4%, while the figure for women remains substantially the same as it at first appeared.

The reason for this is evident, when the distribution of men and women among the different groups of industries is studied. Of the fourteen groups in the tables, four were subject to fluctuations in the number of their workers, so great as to distinguish them sharply from the remaining ten. These were the manufacture of iron and steel products, other metals, vehicles for land transportation, and vessels for water transportation.

It appears that these four groups of industries were responsible for 37% of the growth of employment during 1912-12, and for 53% of the decline in employment during 1913-14. Thus the chief burden of risk fell on the workers in these industries.

Needless to say, almost all the workers in these four groups are men. The Commission received records from 212 firms belonging to one or other of them. In 1913 they employed an aggregate of more than 36,000 workers, of whom only 3.5% were women. It is natural, therefore, since the most dangerous industries, from the standpoint of regular employment, are almost monopolized by men, that the risk of unemployment among men should be considerably greater than the risk of unemployment among women.

According to the calculation already made, the ten groups of industries which were not subject to abnormal risk employed:—

	1913	1914
Men	115,575	107,424
Women	56,725	52,180

Thus in these groups the decline in employment during 1913-14 was approximately 7.1% for the men, and 8% for the women. In other words, the ordinary risks of unemployment among men and women do not differ very greatly in industries which employ both sexes in large numbers. Any difference that there may be is in favour of the men.

From the foregoing it appears that there is a twofold problem of unemployment among the manufacturing operatives of Ontario. There is a large fluctuation (7.4%) to which about three-quarters of the workers are exposed, and there is a fluctuation about three times as large (23.4%) to which some 60,000 male workers are exposed, but which affects the women very little.

(3) *The War and Unemployment.*

Since the declaration of war, on August 4th, 1914, affected the conditions of employment in every branch of production, the situation which has been described does not reflect the normal course of trade depression. Unless the results of the war can be disentangled from those of the restriction of credit, which began more than a year before the war, the retrospective value of these

records is academic and not practical. In so far as the results of the two forces can be separated, an impression may be formed of the problem with which society may have to grapple, when a young country, which has been borrowing extensively, finds its supplies of capital curtailed.

During the war itself no separation can be made. But until the threat of war first appeared, contraction in employment resulted only from the trade depression. It is therefore possible, within certain limits of time, to measure conditions as natural as those of 1893 and 1907, and perhaps not more severe.

The reports supplied by manufacturers to the Commission show that March and April of 1913 were the busiest months which the factories of Ontario have known. Employment in May and June, in factories which made reports, was only slightly less than in the spring. July was the first month in which a decline was recorded of more than 1%. The first six months of the year may be taken as the climax of industrial development.

The murder of the Archduke Francis Ferdinand, which was the occasion of the war, did not occur until June 28th, 1914, and in the last days of the month the stock market did not reflect the fear of war. Unemployment during the first six months of 1914 may, therefore, for practical purposes, be attributed entirely to prevailing industrial conditions.

It is possible, by comparing the volume of employment in the first six months of 1914 with the volume of employment in the first six months of 1913 to make a rough estimate of the results of twelve months' trade depression. How far the conditions that obtained during the first half of 1914 would have been intensified if the war had not occurred, it is impossible to say.

The following table, showing the average number employed, in the 651 factories which made returns, during four periods of six months each, is an indication of what occurred:—

AVERAGE NUMBER EMPLOYED, BY GROUPS OF INDUSTRIES, IN 651 FACTORIES MAKING REPORTS TO THE COMMISSION.

	1913.		1914.	
	Jan.-June.	July-Dec.	Jan.-June.	July-Dec.
Food products	4,868	5,238	5,037	6,105
Textiles	11,211	10,783	9,858	9,378
Iron and steel products	27,652	25,166	22,284	16,212
Timber and lumber and their re-factures	7,135	7,053	6,547	5,575
Leather and its finished products	2,590	2,388	2,282	2,294
Paper and printing	4,823	4,885	4,723	4,401
Liquors and beverages	1,092	1,074	1,080	1,052
Chemicals and allied products	2,354	2,598	2,395	2,129
Clay, glass and stone products	1,507	1,563	1,589	1,287
Metal and metal products other than steel	6,503	6,457	5,936	4,548
Tobacco and its manufactures	20	16	24	30
Vehicles for land transportation	3,022	2,202	2,313	1,877
Vessels for water transportation	688	674	791	277
Miscellaneous industries	6,555	6,037	6,013	5,359
Total	80,020	76,134	70,872	60,524

The weighting of these figures, which is needed in order to make them representative, has already been determined. Calculations, based on Tables II. and IV., show that, in periods of six months each, the probable average numbers employed in all factories throughout the Province were as follows:—

AVERAGE NUMBER EMPLOYED, BY GROUPS OF INDUSTRIES, IN THE MANUFACTURES OF ONTARIO.

Groups of Industries.	1913.		1914.	
	Jan.-June.	July-Dec.	Jan.-June.	July-Dec.
Food products	21,660	23,324	22,660	26,934
Textiles	41,580	40,030	36,635	34,855
Iron and steel products	37,818	34,424	30,497	22,167
Timber and lumber and their remanufactures	40,861	40,373	37,452	31,904
Leather and its finished products	8,427	7,757	7,559	7,583
Paper and printing	12,856	13,010	12,594	11,730
Liquors and beverages	2,292	2,256	2,267	2,209
Chemicals and allied products	3,800	4,192	3,884	3,428
Clay, glass and stone products	12,280	12,730	13,073	10,571
Metal and metal products other than steel	9,919	9,848	9,050	6,940
Tobacco and its manufactures	2,111	1,689	2,533	3,167
Vehicles for land transportation	14,547	10,799	11,221	9,107
Vessels for water transportation	2,596	2,544	2,983	1,045
Miscellaneous industries	27,789	25,583	25,467	22,697
Total	238,535	228,559	217,875	194,337

It will be seen that in the first twelve months of depression some industries were unaffected. The manufacture of food products, chemicals, clay, glass and stone products, tobacco, and vessels for water transportation, employed upwards of 2,600 more persons in the first six months of 1914 than in the corresponding period of the previous year. The nine remaining groups of industries employed approximately 23,750 fewer workmen than they had done. To what extent the workers discharged from the metal, woodworking and leather industries, etc., were absorbed by those whose prosperity continued, cannot be determined. The net decline in employment, during the period under review, appears from these figures to have been equal to the full working time of almost 20,700 workers. Probably, therefore, the average number unemployed throughout January to June, 1914, who had been in regular employment twelve months before was between 20,700 and 23,750 men and women.

This decline in employment among the factory workers of Ontario represents about 8½% of the total number. When the number unemployed during the first six months of 1913 is added to this figure, it is clear that the proportion out of work can have been little less than 11%.

The figures for the latter half of 1914, during the progress of the war, cannot, of course, be taken as an index of the distress existing at that time. Of about 45,000 operatives, who had been discharged from the factories of the Province, many had enlisted; and in so far as the recruiting for service at home and overseas relieved the labour market, these figures produce an impression of distress which is misleading. In the first half of the year, however, recruiting did not provide an outlet. Either the workers discharged from manufacturing industries found employment in some other occupation, or for six months they lived on their savings and on charity.

Other occupations can have absorbed these unemployed manufacturing operatives, only in so far as their demand for labour at that time was abnormally large. Not all of them needed extra workers, and some required a smaller number than before, thereby increasing, instead of diminishing, the number of those out of work. The Fifteenth Report of the Provincial Bureau of Labour suggests that the building trades were less active than they had been. Railway construction

gave less employment than before. Instead of having absorbed a large proportion of the 25,000 or more men and women once employed in factories, now forced to seek a living elsewhere, these other occupations which could not remain altogether unaffected by the trade depression, may have added to their number.

The broad conclusion remains that, had there been no war with its concomitant distress, the volume of unemployment in manufacturing industries alone, in the Province of Ontario, would have equalled the full working time of more than 20,000 persons.

(4) *Duration of Unemployment.*

The conclusion that the amount of unemployment among a group of workers was equivalent to the full time of a certain number does not, of course, mean that this number was continuously unemployed. In all probability a much larger number was unemployed, at some time or other in the year selected, for periods varying from a few days to many weeks.

While returns from manufacturers make it possible to determine, with some approach of accuracy, what was the total volume of unemployment, they give no suggestion as to the number of individuals discharged in 1914, and the duration of unemployment among them.

No special study has been made of this, but three previous enquiries, which have been analyzed by the Commission, give some indication of the facts. Two of these were made in Toronto, and the third in Port Arthur. In no case was the study confined to factory workers.

The truth of the results obtained is limited by the likelihood that individual answers were inaccurate; and among men who have been out of work for a considerable time, without keeping any record of events, it is possible that unintentional misstatements were not uncommon. Nevertheless, where it appears that the average period of unemployment is a long one, although the calculation may contain an element of error, since this error is due to the length of time since the workers were discharged, it need not be doubted that the situation has been serious.

The form of registration at the Civic Employment Bureau, Toronto, includes, among the questions which applicants for work should answer, one relating to the time of their discharge from last employment. This question was not answered by all who registered, but among the 2,400 registration cards, which were selected at random for analysis, 2,298 contained more or less definite replies. From these it appears that—

238, or 10.4%, had been out of work less than 1 month.
366, or 16.0%, had been out of work for 1 month.
592, or 25.9%, had been out of work for 2 months.
418, or 18.2%, had been out of work for 3 months.
194, or 8.5%, had been out of work for 4 months
119, or 5.2%, had been out of work for 5 months
132, or 5.8%, had been out of work for 6 months, and
229, or 10.0%, had been out of work for more than 6 months.

Thus it is clear, although the average period of unemployment cannot be calculated with precision, that at the time of registration it was not less than twelve weeks, and possibly somewhat more. After registration, applicants had to wait for a considerable time before situations were found for them, and many received nothing but a little casual employment.

It must, however, be remembered that those who registered at the Civic Employment Bureau were by no means all of them manufacturing operatives,

and that some described themselves in very general terms. Their ages, and the fact that about two-thirds of them were married, indicate that they were fairly representative of the working class as a whole. There was, however, a great preponderance of unskilled men among them, of whom many must have come from the construction camps. It does not follow that because the average period of unemployment among a body of men, 70% of whom were unskilled labourers, was several months, the same is true of the factory workers who had been discharged.

These returns are usefully supplemented by a house-to-house enquiry made in Wards 1 and 2 during December, 1914, and January, 1915, under the superintendence of the Rev. S. W. Dean, of the Fred Victor Mission, Toronto. Of 1,649 cards of enquiry, 206 were returned with the requisite information. Of these replies, 64% were made by skilled workmen, and only 36% by labourers. The average period of unemployment among those who supplied returns was almost, but not quite, thirteen weeks. Thus the conclusion suggested by registrations at the Civic Employment Bureau is closely confirmed by this investigation. The period of unemployment, among skilled and unskilled workmen, appears to have been very much the same.

There can be little doubt that among those unemployed in Toronto the average period of unemployment was more than three months. It does not follow, however, that workmen elsewhere in the Province were subject to the same conditions.

Information has been obtained from Port Arthur, which, so far as that district is concerned, shows a considerable difference.

Excluding enemy aliens, the register of the unemployed, which has been made by the civic authorities, covers 1,090 men of many nationalities. Of these, 68% described themselves as unskilled labourers. Thus, this investigation covered the same field in Port Arthur, which was covered in Toronto by the Civic Employment Bureau.

The average period of unemployment at the time of registration was almost exactly five months. Conditions were, therefore, more severe in the smaller of the two cities; but, as in the case of Toronto, the result cannot be taken as representing conditions among those discharged from factories. Only thirty-seven, among all the men who registered, described themselves as skilled manufacturing operatives. Their average period of unemployment was a little more than four months.

The nature of the material studied in these three cases differs so much from that obtained from the manufacturers of the Province that the two results cannot safely be combined. It is clear that among the workers of all occupations, who were discharged as a result of the depression, unemployment lasted at least for many weeks. This is uniformly true where skilled workers predominated, and where labourers formed the great majority.

Among manufacturing operatives the average period of unemployment was, perhaps, somewhat less than that in other occupations. In detail the facts are not important. The conclusion, which has already been advanced, that had there been no war the volume of unemployment among factory workers would have equalled the full working time of upwards of 20,000 people, is serious in any case. Whether this means that 70,000 persons would have been unemployed for an average of fifteen weeks per person, or that, for a shorter time, an even larger number would have been without employment, the problem is essentially the same.

CHAPTER II.

VAGRANCY.

(1) *The Canadian Vagrant—*

The Criminal Code includes in its definition of the vagrant not only the man who "not having visible means of subsistence, lives without employment," but also those who beg without certificate, disorderly persons, and those who live on their earnings, and others.[1] In fact, most minor offences fall within the general description of vagrancy. This is a great convenience to police and magistrates, for any malefactor can be charged as a vagrant, subsequently to be tried under some other section of the Criminal Code. In this way, the Police Court differentiates theft, non-support, trespass and other offences from vagrancy. The legal definition is a loose one, and is made more vague by this procedure.

The Departmental Committee on Vagrancy,[2] which reported in 1906 to the British Parliament, classifies vagrants as follows:

> "There is, first, the bona fide working man, travelling in search of employment. Secondly, there are men who are willing to undertake casual labour but object to, or are unfit for, any continued work. A third class is the habitual vagrant, the man who may be professedly in search of work, but who certainly has no desire to find it. The fourth class consists of old and infirm persons who wander about to their own hurt; many of them are crazy, all of them live by begging, and they give much trouble to police and magistrates."

For purposes of convenience, this classification is used throughout the present study.

The Committee was driven to treat as vagrants all paupers found in casual wards. This is a classification on the ground of economic status. Their one common attribute is destitution. In this chapter, the word "vagrant" is applied to 670 men who were studied last winter in the shelters of Toronto, Ottawa, Hamilton and London. Of these, 450 were found in Toronto, 106 in Ottawa, 97 in Hamilton and 17 in London.

This survey was, naturally, not exhaustive. The number of vagrants in the Province is unknown. "I do not think," says Mr. Burnett, "that we have a very large tramp class in Ontario. There is a considerable population now floating around, but I would not call it a tramp class. It is caused by the unusual distress. I don't think our tramp class is anything like proportionate to the enormous numbers they have in the United States." In March, 1914, the House of Industry, in Toronto, sheltered 867 persons. In January, 1915, the month in which Mr. Laughlen gave evidence before the Commission, only 455 vagrants slept there: but it is unlikely that this includes all who were then in the city. Mr. Laughlen estimates that there may be six or seven hundred of these men in Toronto.

The method pursued was very simple. The Commission sent an investigator, night after night, to the shelters of these cities. Assisted by the superintendent of the shelter, and sometimes by penniless clerks who came to spend the night

[1] R.S.C. 1906, Chap. 146, Sec. 238.
[2] Report of The Vagrancy Committee. London, 1906, pp. 24-25.

there, he questioned all who demanded admission.[1] For the most part, these men answered readily. Only once did he meet with a general refusal to give information.

The replies received were, no doubt, not always accurate. It appears that in some shelters the percentage of inaccuracy was comparatively high. The Census itself is open to such criticism. But deliberate falsehood is not in evidence. Two returns were obtained on different nights, and sometimes at an interval of several weeks, from each of 176 Toronto vagrants. The coincidence of these can be used, to some extent, as a means of verifying individual statements. Falsehoods are not easily remembered. It is noteworthy that the replies to Question 3, "How long in Canada," show discrepancies less numerous than those relating to age. The fact that the former question relates to circumstances which can be remembered, while many men of little education do not know their age, is presumptive evidence that such misstatements as were made were not deliberate. Unless there was some cause of error, which is common to vagrants as a class, there is, therefore, no reason to believe that individual misstatements affect the general truth of the result, which is uniform in each of the cities, and in each of the shelters investigated.

The variation between different cities in the birthplace of their vagrants is shown in the following table, which ignores the case of London, as the number of men who were studied there was very small:

Found in	Toronto	Hamilton	Ottawa	Total
Canada	120	39	21	180
British Isles	301	50	66	417
United States	11	3	8	22
Europe	17	5	11	33
Elsewhere	1	0	0	1
Total	450	97	106	653

The proportion of those born in the British Isles varies from city to city between 50% and 67% of the whole, while that of Canadian vagrants varies from 20% to 40%.

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[1] The form of enquiry was as follows:

1. Name .....
2. Place of birth .....
3. How long in Canada? .....
4. Age .....
5. Trade or occupation .....
6. Where last carried on .....
7. Last employer .....
   Address .....
8. Married or single .....
9. Address of wife and family (if any) .....
10. Ever had any experience on farm, such as:
    Milking.....Plowing.....
    Market gardening.....
    Handling horses.....Cattle.....
    Sheep or pigs.....
    Cheese and buttermaking.....
    Bee industry.....
11. What work would you like? .....

    Remarks—
    Health .....
    Physique .....
    Other .....
    Name of Institution:

In age, the vagrants in this study varied from 17 years to 77. Only in Ottawa was anyone found penniless in the shelters who was less than 19. The difference in age between the vagrants and the population as a whole is shown by the following table, which gives the composition per 1,000 in each case:

Age.	Male Population of Ontario.	Male Vagrants of Ontario.
17-18	58	3
19-25	208	103
26-35	254	274
36-45	188	278
46-55	143	213
56-77	149	129
Total	1,000	1,000

Thus it will be seen that the largest age group in the population as a whole is that which includes men from 26 to 35. The largest age group among vagrants is that which includes men from 36 to 45. The vagrant class is probably, on the average, about three years older than the normal. This is the more noteworthy, because a far larger proportion of immigrants is in the vagrant class than is found in the population as a whole. Immigrants as a rule are in the prime of life, and while there are few children among them, their average age is less than that of adult natives.

These figures, for the cities of Ontario, stand in sharp contrast to those of Mrs. Solenberger, which are discussed in "One Thousand Homeless Men." Her tables (p. 277) show that 98 of these were less than 19, while 172 were over 55 years of age. The large number of elderly vagrants in her study may, perhaps, be explained by the fact that the records were compiled in Chicago, whence many vagrants drift down the Mississippi Valley to the South in winter, thus avoiding the hardships of a northern climate.

The difference in average age between the vagrants of Ontario and the self-supporting population is more important than at first sight it seems to be. The first column contains 480 men per 1,000 aged 35 and upward. The second contains 619 per 1,000; and if the racial composition of the vagrants were the same as that of all males in the Province, the number would not be 619, but 700 per 1,000 over 35. The fact that the vagrants are older than the normal, bears on their capacity for self-support, and calls for subsequent discussion.

These figures are of interest, chiefly because they show the process by which at all ages workmen are thrust into the vagrant class. If only 48% of the total population between these ages is over 35, while 60% or 70% of the vagrants are found in such a group, this means that some 20% of the whole, having earned an honest wage in early manhood, quickly learn to depend on charity. A simple calculation shows that this influence is strongest among Canadians in the years between 26 and 35; while among British immigrants, the risk is greatest between 36 and 45. In either case, the men most in danger of industrial displacement are those who should be most secure.

An interesting explanation of this industrial displacement, which increases the number of vagrants in time of trade depression, has been supplied by Mr. Charles B. Barnes, Director, under the State Industrial Commission, of the Bureau of Employment at 381 Fourth Ave., New York, N.Y. The following is taken from an unpublished report of Mr. Barnes', which he supplied to the Commission:

"The term 'moron' is derived from a Greek word meaning 'fool.' It is used to refer to those with hereditary (congenital) or some other form of feeble-mindedness which cannot be cured. The moron falls well under the Royal Commission's definition[1] of feeble-minded, one who cannot compete on equal terms with his normal fellows, and one who is not capable of managing himself or his affairs with ordinary prudence."

"For some reason, the cause of which in most cases dates back of birth, the mind fails of full development . . . Yet society demands of these morons all it demands from a normal man in the way of labour, conduct and obedience to law . . . ."

"Where a moron has been out in the world in competition with his fellows, while his real mental development may not have been increased, he may present such an appearance and bearing as will deceive all but the expert. There is a wide difference in the appearance of morons of the same mental age who have been out in the world and those who have been protected from childhood in an institution. The stigmata of the one protected will often show to the casual observer that he is a moron. This will not be the case with the moron who has passed his life in competition with his normal fellows. His battle with social conditions gives him a different appearance. A parallel to this may be observed in noting the difference between a sharp-featured, ten-year-old street arab, and a ten-year-old boy who has never been allowed to leave the house without the protection of a governess or an attendant. The moron may often keep up this appearance of a normal person until he is thirty-five or somewhere near that age. After that time he will frequently begin to lose heart under his struggle for existence and 'get old,' . . . . aging rapidly and being able to do but little work. After this he soon in some way becomes a public charge."

The fact that much industrial displacement occurs in Ontario, in the years between thirty and forty, cannot be denied. The extent to which, in this Province, feeble-mindedness has been the cause, cannot accurately be determined until some special provision has been made for the treatment of the vagrant class. Even the destitute unemployed who show no sign of feeble-mindedness are, however, compelled at present to mingle with the feeble-minded, and with others whose influence is no less harmful.

Once in the breadline, the workman is in contact with drunkards, semi-criminals, and all those parasites who batten on the charitable public. The vagrant is his constant associate, "whose presence," says General Bramwell Booth ("The Vagrant and Unemployable"—London, 1909), "aggravates every unhappy condition of the genuine unemployed, renders the task of helping them wisely ten times more difficult and many times more costly, and tends to destroy what is the most valuable of all the genuine workman's possessions, by spreading that social pestilence—the notion that it is possible and desirable to live without work." The standard of life of the workman is continually lowered, and he cannot fail to notice the success with which others live in idleness; thus, each industrial depression manufactures vagrants. The hardship it involves brings out those faults of mind and body which in normal times lie dormant. The longer it lasts, the greater the permanent burden which it inflicts on society.

Among the 670 men were found members of all the four classes above enumerated, with a few bona fide workmen, members of Class I, who had reached

[1] The Royal Commission on the Care and Control of the Feeble-minded, appointed by the British Government in 1904.

a sufficient stage of self-support to pay something for their shelter. Sufficient was known of 96 Toronto vagrants to enable the investigator to record with certainty their character. Of these, 37 were said to be "good workers"; 10 to be "moderate workers"; 5 were inclined to drink, and 5 were feeble-minded; 8 suffered from ill-health; 5 were cripples and 10 victims of accidents; 6 were deaf, and 11 suffered from bad eyesight. Thus nearly 40% of them fall into the first of the four classes.

It would be rash to conclude that 40% of all the 670 vagrants are bona fide workmen. Estimates of this kind given to the British Committee varied from 1% to 20%. Of the 37 "good workers" enumerated in this return, no fewer than 35 were found in the Victor Inn. This shelter contains a far larger proportion of skilled workmen than, for instance, the House of Industry. Its population is somewhat older, and their physique a little worse than normal. There is reason to believe that the Victor Inn contains far more bona fide workmen than any other shelter, except perhaps the small establishments of the Salvation Army.

Applied in detail to the Victor Inn and all other shelters in Toronto, these partial figures indicate a probable number among 450 vagrants of 64, or about 140 per 1,000 in Class 1. Since this estimate is made by supposing that, outside the Victor Inn, only 1 vagrant in 20 belongs to Class 1, we may take it as conservative.

It is impossible, even approximately, to calculate the numbers belonging respectively to the second and third classes. Evidence given by Dean Hand and Mr. Laughlen suggests that the great majority belong to Class 3. "Most of them," says Dean Hand, "are criminally inclined. They are like the members of a secret society who know one another; as soon as one man gets help in a particular place, they will all know about it; but the strong point, I think, is that they won't work unless they are compelled to."

The proportion belonging to the fourth class is by no means small. There seems to be a rapid physical collapse among vagrants about their sixtieth year.[1] The number of those aged 55-77 is about 129 per 1,000. The cripples, drunkards and men of unsound mind, who have not yet reached this age, properly belong to the same group. Those who "wander around to their own hurt" form a considerable portion of the whole.

In Toronto and Hamilton, an analysis has been made of the Police Court record of these vagrants in their own city. The police officials, who made this analysis from a list of names supplied by the Commission, state that identification is uncertain. For police purposes, absolute identification is possible only by the use of thumb prints or photographs. Nevertheless, since the number of men in any city who possess the same Christian name, surname and birthplace is a small one, the chance of mistaken identity can be neglected when so large a number of cases is reviewed.

In Toronto, 23 Canadian vagrants, included in this study, were convicted of drunkenness during 1914. This is 19% of the whole number; of those born in the British Isles, 38 were victims of drunkenness—only 13% of the whole. In Hamilton, 5 vagrants born in the city were convicted of drunkenness, or 12% of the Canadian-born vagrants studied in that city. Only 4 out of 50 British-born vagrants were convicted of drunkenness—a proportion of 8%.

It will be noticed that in each case the proportion among the Canadians is half as large again as among the British.

[1] See p. 107.

On the other hand, the Canadian vagrant who drinks, as a rule, is guiltless of violence. His weakness for liquor does not bring out criminal tendencies. But in Toronto not less than 10 out of 38 British convictions of this kind were coupled with charges other than drunkenness, and in 19 cases, British-born vagrants in this study, not charged as drunk, were convicted on counts which varied from trespass to gross indecency. The Canadian cases of this kind numbered only 5. One Canadian possessed a long criminal record, but none of the rest display that degenerate character, which is obvious in several of the British-born. Even among these, however, crimes of violence are rare. One was convicted of malicious injury; three were disorderly while sober.

The figures suggest a broad difference between this class and the native. The fault with the Canadian vagrant is a certain lack of stamina; the fault with the British is, at least in many cases, a positive defect of character.

These very partial records clearly need some future supplement. But their correspondence with other studies, made in other countries, gives them strong support. The British Committee (Report of Vagrancy Committee, p. 25) states, "Witnesses who have given evidence before us agree that the vagrant class, as a whole, is not much addicted to the worst forms of crime," but adds, "The proportion of vagrants who are repeatedly convicted of offences of a minor kind is very large." This judgment is supported in "One Thousand Homeless Men," by Mrs. Solenberger.

It is well, at this point, to refer to the length of time which the British-born vagrants have spent in Canada. If the great majority of these were recent arrivals, it would only be reasonable to look on them as victims of misfortune. But this is not the case. In Hamilton 62% of the total had been in this country for more than five years, in Ottawa 63%, and in Toronto more than 70%. In Ottawa 11% had been in Canada for more than 20 years, in Hamilton 12%, and in Toronto 17%. This strongly supports the statement which has been often made in recent years, that our immigration law fails altogether to prevent the dumping of confirmed British vagrants in Canada. "We are suffering," says Dr. Bruce-Smith, "from an overplus of the unworthy and unfit, who come out here in such droves, largely through the 'assisted passage' scheme, which is really at fault."

From the foregoing, it appears that the vagrants in Canada fall into distinct and well-recognized types. However, the problems of the three first cities of Ontario are not identical. Weighted according to the racial composition of adult males in the Province, the figures for Ottawa, Toronto and Hamilton show that the "shelter population" is made up in the following proportions:

Age.	Toronto.	Hamilton.	Ottawa.
17-18	..	..	5
19-25	94	88	159
26-35	206	176	185
36-45	275	348	163
46-55	251	290	182
56-77	174	78	306
Total	1,000	1,000	1,000

Thus, while there is a broad resemblance between Toronto and Hamilton, Ottawa is altogether different. It has a far larger proportion of young men, a far smaller proportion of middle-aged and a far larger proportion of old men than it should have. This suggests that the figures for Ottawa are less accurate than

they should be; but the census of the cities shows the same difference in the composition of the population. The males are distributed per 1,000 as follows:

	Up to 14 years.	15 to 44 years.	45 and upward.
Hamilton	251	574	175
Toronto	256	570	174
Ottawa	312	503	185

Thus, Ottawa has a far larger proportion of children than the first two cities, and a far smaller proportion of able-bodied men. An explanation may be found in her industrial conditions:

	Ottawa.	Toronto.	Hamilton.
Ratio of employees in manufacturing to total population	9.6%	14.4%	23.1%
Percentage of vagrants claiming to be manufacturing operatives	3%	8%	16%

Ottawa fills so small a place in the manufactures and merchandising of the Province, that industrial depression does not swell the number of her vagrants as it does in Hamilton and Toronto. The distinction of Ottawa lies in an abnormal absence of vagrants in the prime of life.

The problem of setting vagrants to work is partly one of character; but the possibilities are conditioned by their power of continuous effort. No systematic inquiry has ever been made into their physical state, but the study carried out last winter included notes on physique and health. Although these notes were made without medical assistance, the results are so uniform in each of the cities as to be worth recording. The figures show that 900 per 1,000 present an appearance of good health, while 790 per 1,000 present an appearance of good physique. From this it seems that the vagrant is robust.

There is a difference between the native-born vagrant and the British-born, who both in physique and health appears somewhat stronger than the native; but this is so slight as not to merit serious attention.

The conclusion that the vagrant is capable of steady work clearly cannot apply to those who, in the words of the British Committee, "wander about to their own hurt." Including, as the fourth class does, not only crippled and feeble-minded vagrants, but old men, it is likely to number far more than those returned in Table No. 2, whose health and physique are not good. Clearly this physical record needs some supplement.

More doubt is cast on it by the difference between the death-rate of vagrants and that of the whole male population. The number of vagrants aged 46-55 years is 213 per 1,000. If their death-rate did not exceed the normal, there should be 222 per 1,000 between 56 and 77. The actual number is 129, a deficiency of 42%. Some, no doubt, have disappeared into houses of refuge; but this may be more than neutralized by the fact that men beyond their 55th year often fall into vagrancy. An abnormal death-rate cannot explain the decline altogether, but it may be largely responsible.[1]

Thus, men of this kind often die soon after middle age. Questioned on this point, Dr. Copp says: "I would suggest that it is incident to the manner of life in which they live. The mental anxiety which this class endures, as to where it shall lay its head at night, and get its nourishment, together with the irregularity in time, quantity and quality of the food which it consumes, and the general con-

[1] Weighted according to the racial composition of males in the Province, the numbers are not 222 and 129, but 256 and 184 respectively. This shows a decline of 28% instead of 42%. The same reasoning, however, applies to the corrected figure, as to that given in the text.

ditions of life in which it ordinarily lives outside the institutions, undoubtedly has a strong bearing on the expectation of life of this class of people." It is certain that many who look strong are in a condition of unsoundness, which continuous work soon makes apparent.

The Minority Report of the Royal Commission on the Poor Laws, 1909, mentions an examination of vagrants at the Tame Street Workhouse, Manchester, which was conducted in 1907. In a total of 749 casuals, 9 were feeble-minded and 115 diseased; only 293 had nothing the matter with them.

It is a common complaint that vagrants flock in winter to the centres of population, and treat them as cities of refuge. This sometimes meets with more than the tacit approval of people in the small towns. "I am afraid," says Dr. Bruce-Smith, "a great many people are assisted to come here."

Under protest, Toronto has always accepted this responsibility. London and Brantford disclaim it. The Chief of Police of London states that most vagrants in the London Gaol are brought in from the country. During part of last winter the prison was full; and if all who appealed to the police for shelter were committed as vagrants, there would not be room for them. As a result, few vagrants are arrested. Non-residents are seen outside the city limits by a policeman and warned not to return. London has adopted the simplest of methods and shelves its responsibility. The same description holds of Brantford, whose Chief of Police states that few vagrants are arrested. Men found on the streets after midnight are sometimes charged with vagrancy, but generally those who might be charged are kept in the station over night, brought before the magistrate in the morning and ordered outside the city limits.

Any city can do this, and end its troubles very simply. But if all cities did so, the problem of the vagrant would remain. The plan of declining responsibilities is an ostrich policy. "These people are 'birds of passage,'" says Mr. Laughlen. "They do not belong to the last place they came from. They belong to no place, and you cannot send them anywhere."

Hamilton and Toronto proceed to the other extreme. Once more to quote Mr. Laughlen: "The law against vagrants should be enforced. It is a weakness at present. I find the police are very sympathetic. They are very much averse to taking them to court." On the other hand, the Deputy Chief of Police, Colonel Denison, and Magistrate Ellis, claim that the method of dealing with vagrants is more systematic in Toronto than elsewhere. These officials declare that the public is opposed to vigorous action, and further, that more gaol accommodation would be needed if all who could be charged as vagrants were arrested.

In Hamilton, the police are strict: but they, too, are hampered by public sentiment and lack of prison accommodation.

The dilemma which faces every city has been stated clearly by the Commission on Immigration and Housing, of California, (Supplement to First Annual Report, pp. 67-68) which declares, "It is essential that the various local authorities be first impressed with the fact that the practice of driving the unemployed out of one town and on to the next is not a solution, but an aggravation . . . . Each municipality or community, in proportion to its population and facilities for charity work, should bear the burden of providing for the immediate needs of the unemployed," adding, however, that "the mere announcement that all California municipalities are to care for the unemployed, would bring hordes of applicants for charity from all the Western States."

It has not been possible thoroughly to investigate and compare the dietary of the shelters throughout the Province with customary prison fare. In Toronto, the men in gaol are certainly better fed than those in the House of Industry. Many records of vagrants in the Police Court indicate a not unnatural desire on their part to be sent to gaol. Thus while in every city some vagrants roam the streets, hunger combines with the law to secure a number of sentences. The Toronto Police Court records for 1913 included 1,758.

The British Committee, to which reference has been made, reported that the length of sentence given to the vagrant is a strong force in moulding his character. The vagrants addicted to drink are so many that the question must be discussed with reference to them. Sentences which involve a short period of total abstinence create an overwhelming craving for alcohol in these vagrants. Long sentences carry them beyond the period of craving and discharge them in better physical condition, with a desire for drink much weaker than before arrest. One great weakness of the British practice has always been the short sentence imposed on the vagrant.

In Ontario there is no systematic regulation of the length of sentence. The purpose of the magistrate is to keep men in gaol till the season is so far advanced, that they can take to the country. During mid-winter, this involves long sentences, and is no doubt a real corrective. During the spring and summer, sentences are usually short.

It appears that the vagrants do not form a homogeneous body, but consist of several kinds of men, calling for separate treatment; that the bulk of them are unwilling to take up steady work; and that, in general, they are somewhat older and less capable of self-support than the normal population. Dr. Bruce-Smith has coined for them the phrase "economically subnormal." Fourthly, it appears that their numbers are continuously recruited by immigration and industrial depression, and that good workers in the prime of life are driven downwards into vagrancy; fifth, that the vagrant is nobody's business, wanders from place to place, and does not get proper treatment anywhere; and lastly, that public opinion opposes a more stringent application of the law, perhaps, because it is felt that there is not yet adequate provision for the vagrant class.

(2) *Constructive Suggestions of Witnesses.*

The question was asked of everyone found in the shelters of London, Hamilton and Toronto, "What farming experience have you had, if any?" There can be little doubt that in answering this, some men with farm experience denied it, fearing an attempt to take them from the streets and put them in the country. Of those who gave affirmative replies, a larger proportion of young men than of old claimed knowledge of the farm. The weakness of the question lay in this; that the vagrant was left to decide for himself what constitutes farming experience. Thus, among the British-born, men whose birthplace was London or Glasgow, claimed to have had an all-round training on the farm. They are classed as among those capable of agricultural employment. It is true that in England there is a number of unskilled city labourers who from time to time hire themselves out upon a farm, but this is comparatively small. These records suggest that many British vagrants claim experience on the farm, whose knowledge of the country was obtained from an outing with the Fresh Air Fund in childhood.

Similarly, many Canadians, born in industrial centres, call themselves farm hands, but specify no detailed knowledge except that of handling horses. Such men, at least, in certain cases, have probably driven a team in the city.

It is noticeable that of those born in Canada, the United States, the British Isles and Europe, respectively, about one-third claim to have been farm labourers. Figures which have been supplied from other sources suggest that the proportion among Continental Europeans should be much higher.[1]

In these returns a distinction is made between different kinds of agricultural labour. Those who can milk and plow number 87 out of 564 vagrants. Moreover, some of the 90 men who can only handle horses might still make good in farming. Thus, perhaps, one-fifth of the whole number, if their statements are true, could successfully do farm work.

On the other hand, the possibility of turning these men toward agriculture is conditioned by the wishes of the farmer: and because the hired man must live about the house, farmers are unwilling to hire those of doubtful character. Among men specially classed as reliable, the proportion used to farming is a small one. If the same holds for all those capable of farm employment, only about one-seventh are steady, reliable workers. It follows that few vagrants could be sent back to the land, except under special provisions.

The fact is that almost always the vagrant prefers urban employment. Of the 670 who were studied in London, Ottawa, Toronto and Hamilton, 14 were agricultural labourers. In answer to the question "What work would you like?" 30 replied that they wished for agricultural employment. Thus, only 16 or about 3 per cent of all who had once been occupied in urban industries desired to get back to the land.

Several witnesses have urged that able-bodied vagrants should be withdrawn, not only from the labour market, but from charity, to work on some kind of industrial farm. Mr. Laughlen suggests a simple method of selection. He would allow the workless able-bodied man to live in the city, provided he did not refuse the work-test exacted in its shelters, and would raise the work-test so as, automatically, to exclude the loafer. Dr. Bruce-Smith would go farther, committing all able-bodied men without employment to such an institution. In his opinion, this should be done by the cities for their own poor.

"It should be distinctly understood," says Mr. David Archibald, Deputy-Chief of Police, Toronto, "that every able-bodied non-resident, who is without means and unwilling to work, should be placed under restraint for at least six months and furnished with remunerative employment. After deducting sufficient for his maintenance, I would apply the residue in his best interest."

In the case of single men, whatever was the method of selection, the problem would be simple. The case of married men is complicated by the fact that commitment to the penal farm might break up their homes, and bring needless suffering to their families. Married vagrants with families have in the past been very few; and a prominent feature in the late depression was the sudden increase in their number. It appears that of the vagrants studied last winter, 145 per 1,000 were married men. Of these, 54 had families.[2] The situation is less perplexing than at first sight it appears, since a number of the families were still in England. Doubtless, some who described themselves as unmarried were really wife deserters: but their families, like those in England, are not a Canadian responsibility.

[1] See Chapter VI, The Land Problem, Section 1, The Movement of Population.
[2] See Appendix I.

Nevertheless, there can be little doubt that some of the vagrants who would be committed would be men with families in Canada. Dr. Bruce-Smith states that on the existing Provincial Industrial Farms, the earnings of any inmate can be diverted to the support of his wife and children outside. He suggests that the same might be done in the case of the vagrant with a family.

Dr. Bruce-Smith states that the net cost of inmates per day during December, 1914, was, on one of the Provincial Industrial Farms, 47c., and on another, 53c. The work of these inmates is worth a good deal more to the Province than this figure. Dr. Bruce-Smith regards the vagrant as potentially no less efficient than the criminal. Mr. Laughlen endorses his opinion that a penal farm for vagrants could be made to support itself. Dr. Copp, who would commit these men for long periods and lays great stress on their need of sympathetic treatment, was no less optimistic.

The judgment of the British Committee, to which reference has been made, flatly contradicts this. The Committee examined labour colonies, for the most part in countries whose low cost of living and intensive use of labour stand in marked contrast to the conditions of the New World. Nevertheless, it is at pains to warn the public against expecting these colonies to be wholly self-supporting. "It is frequently urged," says the Report,[1] "that if able-bodied paupers, unemployed men, or even habitual vagrants, were put on the land, they could easily pay for their maintenance, and even perhaps afford a profit. It is as well to say at once that so far as we can judge there is no justification for this opinion. The evidence and information before us point strongly the other way.

"The question as to what would be the actual value of the work done by the inmates of a vagrant labour colony in this country is a very difficult one. The experience of the prison authorities is not of much assistance. On the one hand, as a worker, the average vagrant must, no doubt, be of less efficiency than the average prisoner, as he will usually have been inured to a life of idleness and shiftlessness, while many prisoners are excellent, and some quite first-rate workmen; but, on the other hand, there would be the advantage that the inmate of the labour colony would be under detention for at least six months at a time."

For a long time, Labour Colonies in Europe had an evil reputation. This was, perhaps, due to German experience with these institutions. The first of the German Labour Colonies was opened in 1882. No man was refused admission who declared his willingness to work. Unruly conduct was only punishable by dismissal. Inmates could take their discharge whenever they pleased. It was not possible either to maintain effective discipline, or to keep men in these colonies until such time as training and right living should render them productive.

These ingenious handicaps were fatal to success. Criminals used the Colonies as temporary shelters. Dr. Berthold has collected figures, which show that 76 per cent. of all inmates had served a term in prison. In this mixed society, the respectable unemployed workman was under the most dangerous influence. The longer he remained, the less was his chance of obtaining honest employment.

The criticism which these Labour Colonies received was thus well-merited. But other similar ventures, avoiding these glaring mistakes, have been successful. It is not necessary here to present the large mass of information which has been collected by previous Commissions, or published by Government Departments.[2]

[1] Report of Vagrancy Committee, London, 1906, p. 79.

[2] For detailed discussion, see Report on Agencies and Methods for Dealing with the Unemployed, London, 1893; Report of Vagrancy Committee, London, 1906; Bulletin of United States Bureau of Labour, No. 76, Washington 1908.

The cardinal principle has been segregation of types. So far as possible, each Labour Colony has confined its activities either to those whom age or infirmity renders unproductive, or to the "sturdy beggar," who bulks so large on the statute-books of Europe, or to the destitute workman, in need of maintenance and training.

Among penal farms for vagrants, the two great extremes are represented by Merxplas in Belgium, and Witzwil in Switzerland. Any plan which embodies the suggestions just enumerated must represent a compromise between these two. Their fundamental difference is in the fact that Merxplas contains 5,000 and Witzwil less than 300 inmates. Merxplas secures certain great economies of large scale operation, and its inmates are maintained at an average weekly charge of less than $1.00. "The Belgian institution," says Professor James Mavor,[1] "seems to me to be simply punitive. The men remain there for a term of years under strict discipline, and in a position in which they are as nearly as possible prevented from doing any harm to themselves or society; but when they emerge, their record precludes their being employed in ordinary industry, and they again fall into the hands of the police, to be sent back to the colony to harder work and a longer term of imprisonment than before."

A noticeable feature of the Witzwil Colony is its division into two parts. The Lindenhof Farm is a penal farm for vagrants, small but similar to Merxplas. Sentences to Lindenhof range from two months to five years. At the expiration of his term, a vagrant is allowed to go to the voluntary farm of Nusshof, as a transition between detention and industrial life. Engagement is by contract, with the prospect of permanent responsible employment on the farm. Free board and lodging is given, and payment varies from 10c. to 30c. per day. Part of the wage is used to provide clothing: the balance may be saved.

The record of offences against discipline in Witzwil reinforces the conclusion already drawn in the case of the Canadian vagrant, that this class as a rule is not addicted to crimes of violence. To provide against conduct subversive of discipline, violent prisoners and men likely to escape are transferred to the convict prison at Thorberg.

Dr. Bruce-Smith adds a further note which helps to explain the success of the Swiss detention colonies. He states that on discharge from one of these, a vagrant is never sent back to his former haunts, but always starts life in a new city, free from the danger that his old environment will drag him down.[2]

"The greatest success," reports the British Committee, "appears to have been obtained in Switzerland . . . . This is probably due in a large measure to the fact that the institutions are small, and the men receive more individual treatment than elsewhere. And it appears to be the case that vagrants are now seldom to be seen in Switzerland."

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[1] Report on Agencies and Methods for Dealing with the Unemployed, London, 1893.

[2] For suggestions as to the treatment of vagrants after their discharge, see also the evidence of Mr. David Archibald, Part IV., pp. 201-202.

CHAPTER III.

DISTRIBUTION OF LABOUR IN ONTARIO.

In the Province as a whole, there are six kinds of agencies which attempt to find work for those without employment. Two of these are maintained by the Federal Government, two by the Provincial Government, one by the larger cities, and one by private enterprise.

(*a*) Salaried immigration officials maintained by the Federal Government.

(*b*) Canadian Government employment agents, 139 in number (January 1st, 1915), working on a commission basis for the Federal Government.

(*c*) Public employment offices, six in number, maintained by the Provincial Government.

(*d*) The Department of Colonization, maintained by the Provincial Government.

(*e*) The Registration Bureaux, maintained by the Cities of Toronto and Ottawa.

(*f*) The private employment agencies, whose number is unknown, since only those dealing with immigrants for profit are at present registered.

It is probable that in 1914, these bodies altogether secured about 70,000 situations, sharing as follows in the total:—

(*a*) Salaried immigration officials	6,007
(*b*) Canadian Government employment agents[1]	2,136
(*c*) Provincial employment offices	1,933
(*d*) Department of Colonization	1,835
(*e*) Toronto Registration Bureau[2]	861
(*f*) Private employment agencies[3]	60,000

Thus, about eighty-five per cent. of the work was done by private effort. Some of this is philanthropic, and deserves all praise. But by far the greater part falls to the credit of agencies working for profit. The men who use these agencies are almost always immigrants, and often unable to speak English. They had until recently no defence against extortion. The simplest frauds were safely practised on them. Despite the supervision exercised by the Government, it is difficult even now to prove abuses. Nevertheless, the competition of public employment agents, charging the workmen no fee, has very small results.

The reasons for this curious anomaly call for discussion in a later section. For the present, only one need be noticed. There is practically no co-operation either between the different Provincial agencies or between the Provincial and the Federal Authorities. There is nothing in the nature of a clearing house for labour. Each of these agencies is, therefore, less widely known than otherwise it would be. Each fails to get in touch with certain of those with whom it is best qualified to deal. Each competes less freely with the private agencies on this account.

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[1]These are included in the line above. See section (a). The Federal Government, which follows.

[2]The Bureau at Ottawa was not opened until April 14th, 1915. The Toronto figures are exclusive of employment given by the city.

[3]Estimated.

(1) *The Federal Government.*

During the prosperous period, ending in 1907, *The Labour Gazette* began to publish specific statements of workmen and employers relating to the labour market. Persons desirous of obtaining skilled or unskilled labour were invited to make a brief statement explaining the nature and extent of this demand. Societies of workmen were invited, on behalf of men out of employment, to make statements regarding available supplies of labour. The purpose of the Department in publishing this information was to bring together workmen and employers, who would otherwise have remained in ignorance of one another. This feature was continued until 1908, and after a revival in 1910, was discontinued.[1]

The Immigration Branch of the Department of the Interior advertises only for farmers, farm help and domestics. The two latter classes are assisted by the salaried Dominion Government Immigration Agents at Toronto, Hamilton, Ottawa, London, Fort William and Port Arthur. They are able, as a rule, to secure free transportation for those whom they send to the country. The agent at Toronto, who places more than half the total number, complains that in too many cases those to whom he gives free transportation neglect to use the privilege and fail to report at their destination. He considers it impossible to follow the plan adopted in Wisconsin, of checking baggage to the point of destination, and so compelling applicants to go there on pain of forfeiting their property, since many possess no property but the clothes in which they stand. The number of men and women, for the most part immigrants, who were placed in the fiscal years 1913-14 and 1914-15, was as follows:—

	1913-14	1914-15
Toronto	3,178	3,694
Hamilton	1,569	1,738
Ottawa	....	170
London	314	405
Fort William	40	....
Port Arthur	20	....
Total	5,121	6,007

From these centres, farm labourers and domestics are sent to the "Canadian Government Employment Agents" in the various parts of the Province. These were appointed in 1906 and 1907 in 180 towns and villages of Ontario. Recent returns indicate that they now number 163. Most of them are farmers or implement agents, with an intimate knowledge of their neighborhood. Their operations are confined mainly to districts in which agricultural employment is continuous, for if the farmers dismiss their men in winter, they become a burden on neighboring cities. The agents make no charge to the men and women for whom they find employment, but receive a commission of $2 for each person placed in work. Each agent has a list of the steamship booking agents in Great Britain, with whom he communicates when wanting help. The booking agent in turn informs him of persons booked for his district, with probable date of arrival, and gives other information on a form provided for the purpose. Returns are sometimes made of a local surplus of labour; and in this case the Department redirects the labour to districts where there is a scarcity. Two inspectors supervise the work.

[1] Information supplied by Mr. Bryce M. Stewart, Department of Labour, Ottawa.

The number of situations which these agents have secured in Ontario during recent years is shown in the following table:—[1]

	No. of Agents.	Situations found.	Situations found per Agent.
1912	74	2,484	34
1913	80	3,586	45
1914	86	2,136	25

During the war, the work will, of course, be considerably hampered; but it is interesting to notice the growth of activity which preceded it. Yet even if each agent places forty-five workers in a year, this cannot be his main source of livelihood. Work which provides an average annual income of less than $100 is subordinate to the regular occupation of these agents.

Further analysis shows that, in fact, there is a tendency towards specialization. Some agents take great trouble in finding work for immigrants, from which they secure a substantial income. Others do practically nothing. Thus, in 1913:—

The Salvation Army placed	870 workers.
17 other agents placed	1,770 workers.
62 other agents placed	946 workers.

Thus, almost three-fourths of the work was done by one-fourth the number of agents; and the great majority did practically nothing. From a financial standpoint this matters very little. Inactive agents receive no commissions, and there can be no waste of public money. Seen from the administrative standpoint, it assumes much more importance. The counties of Northumberland, Peel, Welland and York are comparatively well served. The remainder benefit but little from the system; and the counties of Carleton, Dufferin, Middlesex, Prescott and Waterloo received but nine workers in all from the five agents acting for them.

(2) *The Provincial Government.*

A system of public employment offices was inaugurated by the Provincial Government in January, 1907, when agents were appointed in Hamilton and Ottawa. Other agents began work at London, in May, 1907, at Berlin in May, 1908, at Brantford in April, 1910, and at Walkerville in April, 1912.[2] The scale of operations may be seen from the following table: —

	Applications for work.		Help wanted.		Situations filled.	
Year.	Male.	Female.	Male.	Female.	Male.	Female.
1907	919	78	363	72	287	23
1908	857	61	345	82	323	37
1909	964	99	731	345	465	57
1910	1,169	83	1,491	212	874	62
1911	1,173	89	921	256	681	67
1912	1,914	81	1,814	355	1,239	54
1913	2,570	102	1,825	384	1,415	68
1914	4,364	246	1,853	204	1,750	183

The local agents are paid $300 per year for their services. Like the men who work on commission for the Department of the Interior, they derive the greater part of their income from their private occupation. "Our agent in London."

[1] It must be remembered that the numbers included in this table have already been enumerated in the table on a previous page, in the total placed by the salaried immigration agents. These must not be counted twice.

[2] In May, 1915, an agent was appointed at St. Thomas.

says Mr. Robert Edgar, "has always been in the business of insurance, and I believe still is. The Brantford agent is a printer. The Berlin agent is caretaker of the Lutheran Church. The Walkerville agent is a blacksmith." This method of organization has the merit of keeping expenses at a minimum, but it involves lack of system in the work. Another source of weakness lies in the fact that there is no method of rewarding, by promotion or otherwise, the man who shows capacity.

During the month of February, 1915, an investigator appointed by the Commission inspected the public employment offices of Brantford, Hamilton, and London. At Brantford, he called on three different occasions, at different hours and on different days, and failed at any time to find the agent. At Hamilton the agent resigned on February 1st. In London, enquiries at the office of the chief of police, the Young Men's Christian Association, and one of the newspapers, failed to discover the whereabouts of the public employment office.

The Bureau of Labour, to which these agents make report, was established in 1900. Its duties are defined by Statute (R.S.O., 10 Edw. VII., c. 13). "It shall be the duty of the Bureau to collect . . . and publish information and statistics relating to employment, wages and hours of labour throughout the Province, the relations between labour and capital, and other subjects of interest to working men, with such information relating to the commercial, industrial and sanitary conditions of working men, and the permanent prosperity of the industries of the Province as the Bureau may be able to gather." Its undoubted usefulness in providing information for workingmen, and still more for manufacturers locating in the Province, has been hampered by the fact that, in collecting data, no compulsory powers are available. Only those individuals report, who choose of their own accord to do so. Developments in manufacturing industry are shown by tables in which the firms reporting vary from year to year. These cannot be taken as representing, even remotely, the changing industrial condition of the Province. Independent investigation shows that in 1914 the volume of employment in manufactures rapidly declined. The Fourteenth and Fifteenth reports of the Bureau of Labour suggest, if anything, an increase.[1] Even the labour unions, for whom the Bureau prepares an elaborate directory, fail to rate this service at its proper value. "Many of the secretaries," runs a legitimate complaint,[2] "manifest a strange reluctance to do their part, in showing organized labour in its full proportions." Despite the most persistent enquiries, and careful compilation, only very guarded deductions can be based on the Report.

Neither the Bureau nor its agents have any close connection with the supply of farm labour in Ontario.[3] This is in the hands of the Department of Colonization, whose system has been worked out most carefully, perhaps, of all those here enumerated. In broad outline it is not unlike that maintained by the Federal Immigration Authorities, of which, however, it is independent.

The leading principle of policy has been a careful selection, not of farm labourers only, but of employers of labour. "Often," says Mr. Macdonell, "we find that men who fail with one farmer are successful with another. If we consider that a man is entitled to some assistance, we get him another position. The fact that he has been here three years does not affect us. Where we have known positively that a farmer does not treat his men well, we do not send him any more. But we refuse to send out large numbers of undesirables."

[1] See Preface to the Fifteenth Report, Bureau of Labour, Ontario, p. 8.
[2] Fourteenth Report of the Bureau of Labour, Ontario, p. 97.
[3] In 1913, out of 1,483 situations, found by the public employment offices, 65 were for farm help.

Most engagements are made by the year. "Three years ago," says Mr. Macdonell, "only 50 per cent. were yearly engagements. This has been increased to 75 per cent. We give these engagements a preference, and so can guarantee to our agents in England that their men will be placed by the year." The success of the Department in this matter bears witness to the careful selection of the men. So, too, does the repayment of assisted passages. Mr. Macdonell states, "We have advanced as much as $25,000 in one year; and we have collected 90 per cent. of it." Despite the great shortage of cottages for married labourers, which hampers all efforts of this kind to deal with unemployment, considerable success has been attained in placing men with families.

Thus, it is evident that the work of the Department is of a quality different altogether from that of an ordinary public employment office. While the number of the situations secured is not large (in the last year of normal operation, 1912-13, it was 3,927), these are comparatively permanent, satisfactory both to master and to man. No comparison is possible between this and an employment bureau, which, though nominally working on a scale as large, sends a number of its men to temporary work.

(3) *The Cities of Ontario.*

During the present depression, a number of cities have found themselves compelled either to grant large sums for the direct relief of destitution, or to start expensive relief works. These expenditures are discussed in another part of the report. Two cities, however, went further than this and attempted to find employment for their people. In Ottawa, the Civic Employment Bureau was not opened until April 14th, 1915. It was located in a basement room, which was also used for storing furniture. In the strict sense of the term, it is not a public employment office, for it does not attempt to find employment, except in civic undertakings.

Toronto was more prompt in its efforts to meet the situation. The Civic Employment Bureau was reopened on October 20th, 1914, at 107 West Adelaide Street. An investigator sent by the Commission reports that the quarters were unsatisfactory. The Bureau was placed in charge of a clerk in the City Hall, who had no special training for the work, and had in all a staff of seven. As established, it was responsible to no department in the City Hall; five months later the Property Commissioner was made responsible.

In the first month after the Bureau was opened, 8,591 unemployed workmen registered their names. Only 946 vacancies were notified, and as the Civic Employment Bureau makes no differentiation between odd jobs and permanent employment, it is impossible to say to what extent these 946 vacancies really relieved the pressure on the labour market.

The information demanded of applicants for employment is as follows:

APPLICATION FOR EMPLOYMENT.

No..... Date.....
Name..... Age.....
Address .....
Married or Single .....Dependents.....
Owner ..... Tenant .....Roomer.....
Work desired .....
Occupation ..... How long unemployed .....
Willing to work as ..... Out of town .....
Birthplace ..... How long in Canada ..... How long in city .....
Residence of wife ..... Family ..... Parents .....
Remarks .....

An analysis of 2,400 registration cards, selected with a view to making them as representative as possible, shows that most of the men who registered were between 25 and 50 years of age. The proportion of Canadians was small.

ANALYSIS OF 2,400 REGISTRATION CARDS

CIVIC EMPLOYMENT BUREAU

	Percentage.
1. Under 25	19%
25 to 50	74%
Over 50	7%
	100%
2. Single	33%
Married	67%
	100%
3. Born in Canada	17%
United Kingdom	56%
United States	1.5%
Elsewhere	25.5%
	100%

The first immigrants to register were mostly foreign, but later so many British did so, that to date 56% of all the men registered are of British birth. Of the whole number, two-thirds are married. This figure probably corresponds to the proportion of married workers in the city as a whole. The most striking feature of the registration is the small proportion of the skilled workers, only 30%. Mr. Stevenson, of the Trades and Labour Council, states that unemployment was severe among skilled workers, but as a rule they have avoided the Civic Employment Bureau. To some extent the business agents at the Labour Temple have found employment for them. Three-quarters of all the men whose cards were examined, claimed, on registration, to have been unemployed for more than a month.

On March 20th, more than 17,000 unemployed workers had registered. For these about 4,000 situations were found, and 10,000 men were given relief work on city parks, etc.

The manager reports that work is allotted in rotation. Preference is given in the matter of employment:—

1st. To married men with families in Toronto.
2nd. To married men with families elsewhere.
3rd. To married tradesmen not fitted for heavy work.
4th. To single men with dependents.
5th. To single men with no dependents.
6th. To single men with trades.
7th. To single men not fitted for heavy work; and
8th. To foreigners.

An idea of the real character of the 14,000 jobs provided may be gathered from the following:—

B—— has a wife and one child, and, therefore, falls into the first class and gets a preference over all other kinds of workers on the list. He registered on October 20th. In all, during the first five months of operation, he secured nine days' work. As our investigator says, "This would indicate that on account of the large number of registrations, the work distributed would not be very beneficial to the individual applicant."

The unsatisfactory character of the method of selection, which has been followed by the Bureau is indicated by a return supplied by the Toronto-Hamilton Highway Commission. This is a list of the names of 360 men sent to the Commission by the Civic Employment Bureau, who, for one reason or another, proved unsatisfactory. Most of their delinquencies are easily classified. Those who refused employment numbered 22. No fewer than 183 men failed to report for work, while 4 sent other men, perhaps for a consideration. After a few days—sometimes only a few hours of steady work—67 disappeared.

It will be seen that the Civic Employment Bureau has departed from the first condition of the successful working of any employment office—that of sending the men best fitted to the job, instead of sending the man whose need appears to be the greatest. Only by following the former policy can the confidence of employers be secured.

At the same time, the staff of the Civic Employment Bureau has been so limited that it has been almost impossible for the Superintendent to interview employers and attempt to secure their confidence. It is also to be remembered that the City has not given him a standing which enables him to discuss the situation with employers on terms of equality.

On March 19th, the Property Commissioner reported to the Board of Control his proposals for the continuous operation of the Civic Employment Bureau. He proposed that its office be moved from 107 West Adelaide Street to some other place in keeping with requirements. He endorsed the view of the City Council that no outside applicant be considered until permanent residents of the City had been provided for, and added the proposal that the municipality negotiate with the railways for the same one-cent-per-mile railway fare which has been allowed to the Dominion and Provincial Governments in dealing with the unemployed. He suggested that he be allowed, at his discretion, to advance railway fares where applicants were without means of paying transportation, and at the same time to procure an order on their wages as a guarantee against ultimate loss to the city.

Even when these recommendations were adopted, the Civic Employment Bureau remained under certain disabilities which, wherever they have prevailed, have greatly hampered the work of other institutions of this kind. It does not look to efficiency as the first qualification for employment, and its Superintendent is not in touch with employers of labour as the managers of the British Labour Exchanges have to be. It is significant that the Civic Employment Bureau has not received any criticism or suggestions either from employers of labour or from the Labour Unions.

Of the distress which existed in Toronto during the winter of 1914-15, the Chairman of the down-town East Neighborhood Workers' Association, Rev. A. Mackenzie, speaks as follows:[1]

"Rents are unpaid, families living on not half rations, and in many homes not knowing where the next meal is coming from. Many heads of families are feeling the pressure mentally; two men, one with a wife and seven small children, the other with a wife and two small children, have been unable to stand up against the depression. One became mentally unbalanced and died of starvation in the hospital, and the other took his own life, both leaving their families destitute.

"The supplies from the House of Industry have, in many cases, partially solved the problem and prevented starvation, but conditions are in no way ameliorated

[1] Interview with "The Toronto World," March 31st, 1915.

with the coming of spring, and with the cutting off of the House of Industry supplies, we do not know what the people are to do.

"Some men who have applied for employment have not had three meals a day for months. Some of them came who were scarcely able to give the necessary information, they were so weak from lack of food. If we do not want to pauperize hundreds of our best citizens, labouring men, mechanics, clerks, men from every business in life, we must open up some means whereby these unemployed shall be given employment at an adequate wage."

It was to meet this situation that on January 18th, 1915, Mr. Church explained his "Give-a-man-a-job" scheme. For nearly two months nothing was done to meet the suggestion. On March 1st a committee of 139 citizens was appointed.

The Neighborhood Workers' Association agreed to conduct the canvass. When the question of finance arose, it was first suggested that the Mayor's Committee subscribe the funds necessary for the conduct of the campaign. This produced a strong protest from a number of members, and after considerable discussion the Board of Control provided $400 for the purpose.

The "Give-a-man-a-job" campaign was conducted in the week of March 22nd, and, up to the middle of April, succeeded in providing work for 322 people, of whom 243 were men and 79 were women. Of the whole number, 29 secured permanent occupation as a result of the campaign. The 293 who remained secured about 1,300 days' work in all, an average of about 4½ days per worker. During the following fortnight, 158 permanent and 350 temporary situations were secured. Thus, some two or three per cent. of the whole number of unemployed in Toronto were carried over the first weeks of spring, and a small number removed entirely from the need of charity.

(4) *Private Employment Agencies.*

It has already been shown that the Public Employment Offices of Ontario have failed, so far, to compete with the private agents working in the Province. The private agent is a distinctive feature of industrial life in North America. South of the border, his operations are even more extensive than in Canada. The Commission on Unemployment, which reported in 1914 to the Mayor of Chicago, discovered in that city no fewer than 249 employment agencies.[1] "The private agencies do not hesitate," says the Report,[2] "to make expenditures for the sake of keeping up their business. The more successful agencies have seven or eight telephones, with two or three operators; they have rooms on which the rent may be three or four times as much as on the offices of the State Employment Office; they have a number of solicitors in the field all the time drumming up trade; in some cases they send these solicitors to distant states to secure labourers; they advance the money required for transportation to the place where the employment is to be had; the agency of Clapp, Norstrom and Riley has equipped a free pool-room, with tables for cards and with a toilet, in which the men may stay while they are waiting for jobs; there were at least two hundred men in this room when it was visited; some of the agencies hire persons to conduct the unemployed to the vacancies."

From fifty-five returns, secured from private employment agents, it is possible to make an estimate of the cost of this system to the Province. The fifty-five agents who reported included some who charged nothing for their services, some

[1] Report of the Mayor's Commission, Chicago, 1914, p. 48.
[2] Report of the Mayor's Commission, p. 53.

who charged occasionally, some who made graduated charges, and some who charged always the maximum allowed by law, while others had one fee for immigrants, and another for those who were immigrants no longer, or who, to receive employment, denied that they were immigrants.

This estimate, no doubt, contains an element of error. It must at the same time be recognized that, based as it is on the statements of agents, it does not include illegal charges. In some cases these are demanded and received. Thus, if the calculation exceeds the lawful charges actually paid, the fact that it does not include extortionate charges will do much to neutralize this and produce substantial truth.

It appears that the joint income of all these agencies, from employers and employed, amounted in 1914 to $38,000. In years of better trade, it was probably larger than this.

Besides these agencies which made reports, there were forty-three which did not. Some of them had withdrawn from the business altogether. Others, which remained in business, were idle for the time. Thus, it would not be fair, in calculating the total cost to the Province of the private employment agencies, to multiply this figure by 98/55. Such a method would exaggerate the facts. Making allowances, it is not unfair to suppose that the reports received represent about two-thirds of the total operations. On this basis it seems that the cost to the Province of all its private agencies, philanthropic and commercial, was about $57,000.

In age, those which reported to the Commission varied from two or three months to twenty years. At one time, their business was conducted without a license and without reporting to Government at all. Only in a few cases did municipal by-laws exercise a certain direction over them. In May, 1913, an Order in Council (No. 1028) was passed at Ottawa, regulating them under the Act of Immigration. Thus, in so far as they deal with immigrants, the Private Employment Agencies are under the control of the Dominion Government. But in the case of agencies which do not deal chiefly with immigrants, as well as in the case of those agencies whose customers, for their own reasons, declare that they are not immigrants, no Government supervision is possible.

The main provisions of the Order in Council are as follows:—

1. A license must be obtained from the Superintendent of Immigrants.

2. These licenses, for which no fee is charged, are not transferable and may be revoked by the Superintendent.

3. Every holder of a license shall keep in a book the full name and address in Canada, and home address of every immigrant with whom he deals, reporting date of immigrant's arrival, name of steamship or railway by which he came, name and address of his next of kin, name and address of the employer to whom he goes, nature of the work, rate of wages, and other terms of employment.

4. The fee charged shall in no case exceed $1.

5. No engagement shall be made unless the agent has a written and dated order from the employer stating exactly his demands.

6. If any license holder be convicted of an indictable offence, his license shall, *ipso facto*, be cancelled.

7. If any holder of this license fail to comply with these regulations he shall be liable, on summary conviction, to a penalty of not more than $100, or three months' imprisonment.

Since there is no system of informing immigrants upon arrival of the legal position of these agencies, many look on them as Public Employment Offices, completely trusting them. Agents have in some cases taken advantage of this confidence. Fifty-six convictions were obtained, from May to December, 1914, in the Province of Ontario.

A common offence, which is not punished very heavily, is that of failing to keep the books in the form prescribed by law. This may be due to carelessness or lack of education.

The frauds which have been practised cannot be dismissed so lightly. The simplest of these consists in charging immigrants more than the legal fee for providing them with work. Some of these show great ingenuity. H. H. O'Donnell, of Toronto, was charged on September 22nd, 1914, with defrauding a number of immigrants whom he had sent to Smithville. He charged the regular fee, telling the men that they must have a tent, which they could rent from him. He bought a tent, and charged each immigrant $4.00 for its use, thus receiving a rent of $14.25 in excess of the price of the tent. He was fined $20.00, with costs of $2.35.

Frauds of this kind sometimes involve real cruelty to those who suffer from them. Louis Goldstein, of Massey, Ontario, was charged on July 8th, 1914, with operating without a license. It was shown that he had made immigrants from Sudbury and Sault Ste. Marie pay $2.00 each for jobs to which they proved unsuited. Several of these men, who had not enough money to return by train, walked over fifty miles through the woods on their way home. Goldstein was fined $75.00, with $5.95 costs.

Sometimes overcharges are made by foremen who control the work of immigrants. These foremen are not licensed agents, but can conveniently be charged with operating an employment agency without a license. On April 8th, 1915, a foreman in Toronto, whose salary was $1,500, was shown to have charged immigrants $2.00 for taking them in his employ, and to have made a further charge of $2.00 on each pay-day. The Court fined him $100.00, and he was discharged by the Company for which he worked.

A foreman in Cochrane, who was convicted on July 17th, 1914, was shown to have made similar deductions from the pay of immigrants in his employ, after they had paid an employment agent for securing their positions.

A more crude form of fraud is that of sending men to distant places where there is no work. This is often combined with excessive charges to the men. Thus on May 14th, 1915, Peter Mishoff, who was charged with operating without a license, was shown to have received $10.00 from each of twenty Bulgarians, on promising them work with the Canadian Pacific Railway. The men received no work. Mishoff was fined $100.00.

The man who does not possess an office has an advantage over the regular employment agent in that, when his shortcomings are discovered, he may not be found. Tony Georg, of Toronto, was charged on August 28th, 1914, with operating without a license. He had promised to take eight men to work at Cooksville. Georg met them at the train, and disappeared at Parkdale. The men went on to Streetsville Junction, and, finding that there was no work for them, came back on foot. Each had paid $3.00. Georg was fined $50.00.

On Feb. 24th, 1915, Nicholas Baucklas, representing himself as an Immigration Officer of the United States, promised work in Detroit to three men in Montreal. He secured $38.00 from each man, and took them to Broad Street

Station, Ottawa, where he disappeared. On the 14th April he was arrested on suspicion in Toronto. He received a sentence, under the Criminal Code, of twelve months' imprisonment, to be followed by deportation.

Sometimes a middleman will act as intermediary between immigrants wanting work and an employment agent. This appears, at times, to be done in innocence. A drug clerk was charged, on March 2nd, 1915, with operating without a license. He had seen an advertisement of an employment agent who was seeking men, and collected a $2.00 fee and $2.15 railway fare from each of ten immigrants. He paid the licensed agent the full railway fare and $1.00 for his services on behalf of each of the ten men, retaining the balance of $10.00 as compensation for his trouble. He was fined $10.00, with $2.35 costs.

In offences of this kind, the magistrates are strict, but evidence is difficult to get. The men defrauded are reluctant to give evidence against agents or foremen who can secure their discharge.

On May 1st, 1914, the Royal Assent was given to an Act of the Provincial House entitled "The Employment Agencies Act." This goes much further in regulating Employment Agencies than the Dominion Rules under the Immigration Act. In the Provincial Act (4 Geo. V., c. 38),—

1. All Employment Agents are included, whether they deal with immigrants or natives.

2. No person may carry on the business of an Employment Agent in Ontario without a license from the Provincial Treasurer.

3. Branches of Employment Agencies must receive separate licenses in each case.

4. Penalties for operating without a license are increased to a maximum of $500.00, or twelve months' imprisonment.

The Act comes into force on and from a day named by the Lieutenant-Governor in Council and by his Proclamation. In regulating the Employment Agencies under this Act, the Government has the broadest powers, including among specific items:—

1. Conduct of the business.
2. Fees to be charged.
3. Security to be given.
4. Returns to be made.
5. Inspection.
6. Revocation and cancellation of license.

No regulations have yet been made in accordance with the Statute, which for the present is in abeyance.

CHAPTER IV.

PUBLIC EMPLOYMENT BUREAUX.

(1) *Policy Advocated.*

Employment Bureaux exist to-day in Quebec, Massachusetts, Wisconsin, New York, England, France, Germany, Switzerland, Austria-Hungary, Australia and elsewhere. There are many variations in the practice of these countries; but since two or three have taken the lead, and the rest in following have imitated them in most essentials, the variations of importance are comparatively few.

On the continent of Europe, Germany has taken the lead, and in most European countries the practice is similar to that of Germany. In the British Empire, England has taken the lead, and with two exceptions, to be mentioned later, the Australian Labour Exchanges show no great difference in practice from those of England. In the United States, Massachusetts has taken the lead, and New York and Wisconsin have largely copied Massachusetts. In practice, therefore, the three systems which call for chief consideration are those of the German Empire, Great Britain and Massachusetts.

There are two things vital to the good service of a system of Labour Exchanges; first, that they command the confidence, both of employers and employed (for if either class distrusts the system, the confidence of the other can produce no good results); and, secondly, that they be administered by men and women of real devotion and business ability, who can turn the system to good account.

In connection with these essentials, certain principles may be elucidated, which, however, are not common to all systems of Labour Exchanges. The first is the principle of free service. In Germany, the Berlin Labour Exchange charges workmen a fee of five cents on registration; and a fee of twenty-five cents is charged to employers for each domestic servant actually engaged. In the case of the registration charge, however, Mr. Beveridge notes that this is a conspicuous exception to the general rule. "The tendency," he adds, "is everywhere to the dropping of fees and to the provision of a perfectly gratuitons public service."[1] In the case of England, the service to the workmen and employers is absolutely free.

This free service involves the maintenance of Employment Bureaux by some local or central public authority. The cost is usually calculated on the basis of the number of situations filled. It need not be added that this is an imperfect method, as the word "situation" varies from case to case in rate of wages and duration of employment. But, bad as the method of statement is, there is no better. On this basis it has been calculated that the cost of the Munich Labour Exchange in Germany works out at about 23½ cents per situation filled, (1906); the cost of the Milwaukee Exchange in the United States at about 45 cents, (1914); and that of the Massachusetts Exchange at about 96 cents, (1913).

A wide variation in expense is, of course, produced by a difference in the scale of operations. An employment bureau, like any other distributive organization, will reduce overhead charges per unit with each increase in amount of business handled; and one hallmark of a good system of labour exchanges should

[1] Beveridge, Unemployment, p. 248.

be the continuous decrease in cost per unit of work, though, doubtless, the total cost would slowly grow with the growth of its utility.

Whatever the number of situations filled, two more elements in determining the cost of a system of Employment Bureaux must be noticed. These are the size of the statistical organization with which it is connected, and the burden thrown on the Central Office by the mobility of labour. In a land of wide spaces, the seasonal demand for harvesters raises a problem which no local office is competent to handle; and the larger the problem involved, the more elaborate is the mass of information, needed by the Central Office undertaking it.

In all industrial countries there is a tendency for workmen to distrust any welfare organization which is governed by employers, and similarly for employers to distrust workmen's organizations. It is not sufficient, therefore, that the system be free to workmen and employers. There must be some guarantee that this free service cannot be used, under any circumstances, to the prejudice of either party. The greatest obstacle to the establishment of a Federal System of Labour Exchanges in the United States, has been the fear on the part of the American Federation of Labour, that these would be used to their disadvantage.

The problem was first attacked in Germany. Different exchanges have adopted four principal alternatives.

1st. To ignore disputes altogether; to send workmen to a vacancy due to a dispute in exactly the same way as to any other. This, of course, is frankly prejudicial to Organized Labour. It was once the practice in the Berlin Exchange, which discontinued it in 1905.

2nd. The alternative adopted by Berlin when it discontinued the first, and which has now been extended to most of the principal labour exchanges in Germany; that is, to register vacancies created by a strike or lockout, and give applicants for work formal notice of the dispute. In that way, no man can act as a strike-breaker without being fully aware of his position.

3rd. The third alternative is altogether to suspend operations within range of the dispute, during its continuance. If anything, this is prejudicial to employers.

4th. The fourth is to make action in each case depend upon the decision of the Industrial Court, sitting as an arbitration tribunal.

Of these possibilities Mr. Beveridge says there can be little doubt that the second has most approved itself in practice. Mr. Beveridge was told that vacancies created by a strike or lockout, and notified to applicants for work, are very seldom accepted by these applicants. He adds, "It is now generally recognized that the importance of the question has been enormously exaggerated. If during a dispute there are anywhere men able and willing to take the vacancies created, an employer has many ways of getting at them, far more effective than a public labour exchange. The publicity of the latter makes it, indeed, the last place from which to get men in a time of roused feeling."[1]

Another quotation from Mr. Beveridge will serve a useful purpose.

"The public labour exchanges (in Germany) have in some places completely secured the confidence and support of the trade unions. This is the more noticeable because at first they met with definite hostility in that quarter. In 1896, the Trade Union Congress solemnly warned workmen everywhere against every experiment based on any other principle than the sole control of labour exchanges

[1] Beveridge, Unemployment, p. 250.

by the labour organizations. The remarkable conversion from formal hostility to strong practical support, is to be attributed to the following among other reasons:

1. "Experience of the value of successful exchanges in shortening for the individual workman the average period between one job and the next, and thus for the Union the period of unemployed pay;

2. "The failure of purely trade union exchanges to secure general use by employers;

3. "The establishment by employers of their own exchanges in definite opposition to trade unionism. A public impartial exchange is at any rate better from the workman's point of view than an exchange created deliberately with the object of maintaining a large reserve of labour or of blacklisting individual agitators."[1]

As a result of these observations, when the system of public Labour Exchanges was first built up in England, the second of these methods was adopted. In England, when a strike or lockout occurs, employers and workmen may file a statement of their conflicting claims with the local labour exchange. The manager is required in all cases to show these statements to applicants for work before sending them to fill the places of men concerned in the dispute.

Mr. James Watt, of Toronto, Secretary of the Journeymen Tailors' Union, believes that the practice of Labour Exchanges in England has not always been impartial. It is evident, however, that whether the Labour Exchanges of Great Britain have or have not been impartial in labour disputes, if they adhere strictly to the terms of their instructions, they cannot but be neutral. In answer to questions on this point, Mr. Philip Snowden, M.P., a member of the Labour Party in Great Britain, says:—

"The official regulations as to the supply of labour during disputes were framed in consultation with representatives of trade unions. At first the trade unions, or more correctly speaking a section of trade unionists, looked with suspicion upon the Labour Exchanges. These people seemed to have the idea that these Exchanges ought to be trade union organizations, and worked in the interests of trade unions. That was manifestly impossible, for no such organizations could exist unless they were impartial as between employers and workmen, and had the support of both parties. Much of this suspicion has disappeared, largely owing to the tact with which the officials of the Exchanges have managed things. Many of these officials are ex-trade union secretaries, most of them are men who had some connection with organized labour. In a great many of the towns now the employment books of the trade unions are kept at the labour exchanges, and jobs are found for the union members through the exchanges. The addition to the work of the exchanges of the distribution of benefits under the Unemployment Insurance Act, has brought the exchanges into closer relation with the trade unions. I think I am in a position to take an impartial outside view of the position, and I have no hesitation in saying that the Exchanges have not done harm to trade unionism, but on the contrary have done it great good. Even in the matter of the Exchanges supplying labour where there are disputes, this is of benefit to trade unions, because now men cannot go to such work without knowing the state of affairs, whereas formerly they were led into going to blackleg without knowing. As a matter of fact there are very rarely cases where workmen go to a place where there is a dispute, after the facts have been told to them at the labour exchange.

[1] Beveridge, Unemployment, pp. 249-251 passim.

"The best answer I can give to your enquiry is to say that there is no agitation whatever among the trade unions for the abolition of the exchanges. On the contrary they are being used more and more by the unions. There will be disgruntled individuals who make complaints, but no system would ever satisfy everybody. I am sure these institutions are a great boon, and are absolutely essential in these days of mobile labour."

A further provision in the British Labour Exchange System, designed not only with a view to efficiency, but also in order to safeguard neutrality between employers and workmen, is the appointment in each city where there is a Labour Exchange, of an Advisory Committee consisting of employers and workmen in equal numbers, which meets at regular intervals to discuss questions of policy.

So also in Wisconsin. Mr. Leiserson writes:

"Attached to the Milwaukee Office there is a citizens' Committee on unemployment, composed of representatives of Organized Employers and Organized Employees. This Committee practically acts as a State Advisory Committee also for whatever question of policy is adopted upon their recommendation for the Milwaukee Office is usually extended to the other offices as well. This Committee, it may be said, has been one of the most important factors in the success of the Milwaukee Office."

Mr. Beckerle, who succeeded Mr. Leiserson as Superintendent of the State Free Employment Office at Milwaukee, states that he is receiving suggestions at all times from large employers and also from Union leaders.

(2) *The Selection of Officials.*

Sixty years ago the system of Civil Service Examination was established, and now for a long time all Departments of the British Civil Service, except the Foreign Office, have been subject to entrance by examination. In the case of the Labour Exchange a departure was made. It was felt that while a man who had received what was once called "the education of a gentleman" was always the best fitted to administer affairs at the War Office, the Admiralty, the Home Office, or elsewhere, the manager of a Labour Exchange, who was to be in daily touch with all sorts and conditions of men, and who at the same time must understand the social forces that make for unemployment, needed qualifications altogether different from those of the ordinary Civil Servant, qualifications which could not exactly be defined.

So in Great Britain, the appointment of Labour Exchange officials was left virtually in the hands of the Director, Mr. Beveridge, who in his staff has mingled industrial foremen with university graduates and others, in such a way as to combine in each labour exchange the maximum of technical industrial knowledge with the maximum of economic understanding.

Mr. Gettemy, Director of the Massachusetts Bureau of Statistics, states that the staff of the Massachusetts State Free Employment Offices is appointed by two methods. The Superintendents are appointed by the Director of the Bureau of Statistics, and their salaries fixed by him, subject to the approval of the Governor and Council of the State. The various clerks and stenographers are drawn from the eligible list of the Civil Service Commission, and have for several years past been employed at standard salaries. All salaries in excess of $1,000 are established only with the approval of the Governor and Council.

This power of appointment, which is exercised in Great Britain by the Director of the Board of Trade Labour Exchanges, and in Massachusetts by the Director of the Bureau of Statistics, leaves an opening for patronage and the selection of inefficient but influential men which Wisconsin decided to avoid. It may be hazarded that a badly devised system of Labour Exchanges, officered by men of the right stamp, will work far better than a well devised system of Labour Exchanges officered by "party hacks." Mr. Leiserson states, "All the staff employed in the exchanges must take Civil Service Examinations in order to secure appointment. There are no definite qualifications laid down, because there are very few people who have had actual experience in the employment business. In general, we try to get people with tact, good judgment, ability to handle large numbers of men and women, and sympathetic understanding of human nature. Also we try to get people who are not connected either with Labour Unions or with employers but who can be depended upon to be impartial in matters relating to capital and labour. Of course, it is difficult to pick out such people, and in order to assist the Civil Service Commission in this work we have a committee of employers and workmen who sit with the Examiner of the Civil Service Commission on the Examining Board to give the examination. This method of selecting employees has been very successful. Whenever a new employee was appointed, I spent considerable time with him explaining our methods and breaking him in on the work."

The same method has been adopted in the "Plan for a National System of Labour Exchanges," submitted to the United States Commission on Industrial Relations, by Mr. Leiserson and Mr. Dowling. The principle of selection is outlined as follows: "The Council (The Representative Council of employers and workmen, who are to assist the Director of Labour Exchanges) shall select a committee from its own membership, which together with the Examiners of the Civil Service Commission, shall constitute the Board of Examiners in conducting the examination, and preparing the list of eligibles for Director, all subordinate officers, and such employees as are required to have special knowledge of training. The said examination shall consist of a thorough investigation of the education, training, experience and fitness of each applicant, his achievements, his success in handling men and his ability in executive affairs; and examination for Director shall also be such as to test whether the applicant has the qualifications required. Each applicant shall submit, within such time as the Board of Examiners may designate, a written discussion on some subject connected with the duties of the position for which he applies, and also copies of his published or unpublished works, if any; and shall appear before the Board of Examiners at a designated time and place for an oral examination."

It will thus be seen that instead of selecting some outstanding man who has devoted his life to the study of unemployment, the United States Commission on Industrial Relations, in adopting these proposals, would subject the Director of Labour Exchanges to the same searching test as his clerks.

In an age when the rewards of business enterprise are greater than ever they have been, there must, whatever the method of selection adopted, be certain further difficulties in attracting the men and women who can turn a system of Employment Bureaux to the best account. Yet none who have had first-hand experience of the system in Great Britain can fail to be impressed by the fact that the staff of the Labour Exchanges, men and women alike, are of far more

than average keenness and ability. Recruited as they are from all ranks of life, coming as they do with all kinds of experience, they are far more able and active than would be expected merely from a knowledge of the salaries which they command.

Reference to the British Civil Service estimates shows that clerks are appointed to the Labour Exchange at an initial salary of $300 per year. The men entering the System at this grade and salary include university graduates as well as, of course, the clerk who has neither ambition nor ability to rise.

The key to the situation lies in this; that while initial salaries are very small, and while even the salaries of managers of Labour Exchanges ($850 to $2,000) are not great, there is no limit to the career which lies before the really successful official. The clerk who enters at $300 is aware that he may rise through the office of Director (at $5,000 to $6,000), to that of Permanent Under Secretary to the Board of Trade ($10,000), with a pension at the end of his career.

The chance that any one individual will do this is, of course, remote, but the fact that he may do this has enormous value. As a result, among the low-paid and inefficient clerks at the bottom of the scale, there is always a sufficient number of men of real ability, to fill the higher administrative positions. The same holds good of Massachusetts, though in less degree. The lowest salary paid to male clerks in the State Free Employment Office of Massachusetts is $800, but the male clerk has the possibility of promotion at least to be Superintendent of the Boston Office at a salary of $1,800.

In the case of Wisconsin, natural conditions have produced a result, which the State perhaps could not. Because Wisconsin has earned the reputation of a pioneer State, which is making the social experiments of North America, the men who do things successfully there are almost certain of an opportunity to leave Wisconsin and continue their work on a larger scale elsewhere. Thus Mr. Leiserson, who appears to have started as Manager of the Milwaukee Employment Office, developed the Free Employment Offices of Wisconsin to a high degree of efficiency, showed remarkable economy in operating the system, and as a result of his work was transferred to the United States Industrial Commission.

(3) *The Control of Employment Bureaux.*

There are in Germany some 400 public employment bureaux. Each of these is a municipal organization, under municipal officers. Small subsidies are often paid by the Imperial or State Governments, but these do not alter the character of the system.

The great impetus to their establishment in Germany came with the business depression of 1893, which was felt all over the world. It is generally true of any country that employment bureaux are first established in time of depression in order to cope with unemployment. This, of course, they cannot do; first, because they are organized in emergency to meet a present need; and, secondly, because they are organized at a time when there is not very much employment to be found.

Fortunately, the impulse towards the establishment of Public Labour Exchanges in Germany persisted, and in the years of prosperity which followed the revival of business in the later nineties, many more Exchanges were created, without the drawback of a present emergency, which could impair their efficiency.

Established as they were, in a time of business prosperity, they soon showed that their usefulness lay not so much in the direct opportunity to reduce unemployment, as in the by-products to which they contributed. They made it possible to secure accurate and up-to-date information on the condition of the labour market. Without the exchanges it would never have been possible to classify the unemployed for special and detailed treatment. Moreover, their value in shortening the period between jobs, for the workmen registered with them, is naturally greater in good times, when work is fairly plentiful, than in bad times when work is very scarce.

Of this system Mr. Beveridge says:

"Many of the Labour Exchanges in Germany are as dead as the deadest of Labour Bureaux in Great Britain.[1] There are, however, now not far short of 150 Public Labour Exchanges which may be regarded as "alive." There is one in practically every municipality of more than 50,000 inhabitants, and in very many smaller ones."[2]

Three weaknesses of municipal control call for mention in this connection:

1. Employment Bureaux managed by separate municipalities can never be so closely in touch with one another as to make full use of the mobility of labour. A system, managed and correlated by the government of a district larger than the municipal area, must always work more efficiently. That a municipal bureau can, in fact, secure comparatively full use of the mobility of labour is shown by the records of the Munich office. In 1906 it filled no fewer than 53,673 situations. These were classified as follows:

Situations found in Munich	44,314
" " in Bavaria, outside Munich	9,005
" " in Germany outside Bavaria	291
" " outside the German Empire	63

It is, however, to be remembered that the Munich employment bureau sets an outstanding example of efficiency.

2. The second objection is more serious. It is that the efficiency of a municipally controlled bureau is likely to vary inversely with the need for organization of the local labour market. Where a city does not realize its obligations, and has no proper welfare organization, it is likely for the same reason not to maintain an employment bureau, or, at most, one of doubtful value. The government of a larger district can maintain efficient offices, both in cities which feel their responsibilities and in those which do not.

3. The third objection must involve at least a partial abandonment of the principle that a city must manage its own employment bureau. When a number of these are separately managed by individual cities their systems of registration and accounting, devised to meet immediate local needs, will differ very much. As a result, the combination of their statistics of employment, so as to make an index of the labour market as a whole, is difficult. If one city carries over the registrations of January into the month of February while another compels workmen to re-register month by month and places the names of those who fail to do this on the "dead register," their combined statistics have little value. If full information is to be secured, there must be some authority above the cities, which can produce uniform methods of registration and uniform accounting.

[1]This was written before the passing of the Labour Exchange Act in 1909, when such Labour Exchanges as existed in England were municipal, and these were very few.

[2]Beveridge, Unemployment, p. 240.

In Germany this was supplied at first by local federations of municipal employment bureaux, which adopted certain methods in common. The fact that the Advisory Committees attached to them were composed of men of great importance in the business world gave this movement a strong impetus. As a result the regular publication of reports on the state of employment in Germany was begun in 1897, when a journal called *Der Arbeitsmarkt* was started for this special purpose.

In 1903 the German Government created an Imperial Labour Department, with an Imperial Statistical Office, and now this work is done by the Statistical Office. A grant is made annually to the General Federation of German Labour Exchanges. This financial inducement is effective in procuring uniformity of method as well as in persuading offices outside to join the General Federation. Moreover, the municipal employment bureaux, through recognition by the State, secure a standing with employers and the public far higher than otherwise they would obtain.

Germany has been able to develop the municipal system under the best of conditions. The centuries of disunion, which German historians deplore, gave to her free cities a habit of communal thought and action, and of co-operation in dealing with the most important problems, which has no parallel in cities elsewhere.

Little need be said in this connection of the British system of Labour Exchanges. Mr. McLaughlin's memorandum gives a detailed description of their work.[1] Organized as they are on a national scale, they provide an antithesis to the German municipal system.

The British Exchanges in 1911 filled 439,520 situations; of these, only 15,384 are classified under the head of agriculture. There is a tendency for this reason to regard the work of a Labour Exchange as limited to urban occupations. That this is not the case may be seen from the experience of West Australia. The proportion of the workers engaged in agriculture (some 6 or 7 per cent. of the total) is so small in England, and the period of hiring so much longer than in urban occupations, that the demand made by farmers on the Labour Exchanges is small. But agriculture is as prominent in Australia as in Ontario. One prime function of Australian Labour Exchanges is to send men to the farms.

In 1911 the United Kingdom secured situations for a number of men and women equal to nearly 1% of the total population. The State of West Australia secured positions for 2.8% of its total population. Thus the West Australian Labour Exchanges are organized on a scale comparatively greater than that of the United Kingdom. Classified as "skilled," "unskilled" and "agricultural," the occupations found in the United Kingdom and in West Australia were in the following proportions:—

	Skilled.	Unskilled.	Agricultural.
United Kingdom	57.65%	38.85%	3.5 %
West Australia	21.9 %	56.75%	21.35%

This shows that where farming predominates, a flexible system of employment bureaux can be no less useful to the farmer, than to the manufacturer, railroad, or contractor.

An experiment has been made in Queensland which appears to be of doubtful value, though there is no very definite information on the subject. The Report of the Director of Labour and Chief Inspector of Factories and Shops for 1906-7

[1] See Appendix A, p. 263.

speaks as follows: "The present system is based on the system in operation in other States. The staff engaged consists of the Director, with six Divisional Superintendents. In addition to these officers, all the clerks of Petty Sessions in the Petty Sessions districts act as labour agents. The clerical staff of the Factories and Shops Office—four in number—attends to all general correspondence. Approximately 156 officers are employed, but the transactions of the greater number have been nil."

This suggests that the appointment of registration agents in outlying districts, for whom there can never be sufficient work to demand their full attention, secures no very good results. It is not unlike the present system in Canada, under which employment agents are paid one dollar per day to find employment for anyone who cares to register. These agents are naturally more interested in their principal source of income than in the small stipend paid for public service.

In the case of Great Britain the choice before Parliament was clear—they must establish either a national system of Labour Exchanges or a system controlled by the local authorities. After long study of the German system the former alternative was adopted.

In the United States the choice was not so simple. Great Britain has a unitary Government, so that a national system of Labour Exchanges must inevitably be responsible to the House of Commons; but the United States has a Federal Government. The decision not to leave control with the municipalities left a choice between State and Federal Governments. The problem was further complicated by the fact that several States, notably Massachusetts and Wisconsin, had already developed working systems of Labour Exchanges, while others showed not the least desire to move in this direction; States whose need was greater than the need of Massachusetts and Wisconsin, because their labour market was less organized. With the possible exception of Mr. Dowling, Mr. Leiserson has been connected with the "Federal Plan" more closely than anyone else. In a letter to this Commission, dated March 4th, he writes: "Under our system of government the States have most of the power to deal with social questions, and the States are jealous of these powers. They do not like to have a Federal Government come in and do these things which the State and local governments have ample power to do. We have something like 80 public employment offices in twenty-six different states.[1] Most of the States are extending and improving the operations of these offices. It therefore seemed to us that this movement among the States should be stimulated by the Federal Government, and the work of the various States co-ordinated by the Federal Government, which should not try to supplant those offices by an entirely new organization.

"In addition to this, however, it has seemed to us that local or State authorities must be encouraged to take upon themselves the handling of their problems of unemployment.

"Every State and every city ought to take a hand in solving these problems; in fact I think they ought to take the initiative, to standardize their work in such a way that when one city or State discovers new and improved methods of dealing with the problem, the discovery can be passed on, or perhaps even forced on the other States or cities. The Federal Government should also arrange for the co-operation of the various States and local agencies."

[1]The number has now reached 100.

Stated briefly, the Federal plan is as follows: Responsibility for mobilizing the labour supply within the State boundaries rests with the State itself. On the other hand, the drift of labour between States in accordance with changes in supply and demand, since it is the business of no State in particular, rests with the Federal Government. The Federal Government assumes responsibility only for the transference of labour between one State and another.

The Federal Plan involves the appointment of a National Bureau of Employment under a Director. The Director will be assisted by a Representative Council, of which he will be Chairman. The Representative Council will be composed of ten members representing organized employers and ten members representing organized labour, to be appointed by the President from a list of persons nominated by the National Association of Manufacturers, the American Federation of Labour, and other bodies. These are to be paid their travelling expenses and $1 per diem while engaged in the work of the Federal Government.

The duties of the Bureau will be as follows:—

1. Publicity.—(*a*) To co-operate with the proper authorities in devising uniform systems of registers and records and uniform methods of doing business; to collect and furnish information regarding employers seeking men, and workpeople seeking employment; to distribute information in the form of bulletins, maps, reports, etc., regarding the labour market, and to prevent the distribution of false, inaccurate or misleading statements; to furnish statistics and information with respect to unemployment to all authorities regularizing employment; to assist in guiding and inducing minors to enter promising vocations; to encourage and assist workers to insure themselves against unemployment; to investigate the causes and extent of unemployment, and the remedies therefor; and to recommend means for providing employment and for the prevention of distress.

(*b*) To makes rules and regulations for the government of employment agents; to protect the public, employers and workmen against fraud, extortion, etc.; to prescribe uniform systems of registers, and reports to be made by such agents, and to order the refund of fees to applicants who fail to secure employment.

(*c*) To issue periodically a labour market bulletin containing general information regarding labour conditions throughout the United States. These will be published in English, and in such other languages as the Bureau may determine.

2. Supervision of State Labour Exchanges.—Public employment offices will be established and operated by the State separately or jointly with municipalities, counties and other districts. The standards to be required of these public employment offices are as follows:—

(*a*) There shall be an Advisory Committee for each Public Employment Office, or an Advisory Committee for each State at large, to advise and assist in the operation of such offices. Such a Committee shall be composed of an equal number of members representing organized employers and organized workmen with a Chairman, not from their own membership, agreed upon by both parties.

(*b*) The Director and all subordinates shall be appointed according to merit, with permanent tenure of office as long as they properly perform their duty. All subordinate officers and employees shall be selected in accordance with rules and regulations made or approved by the Advisory Committee, and in all cases the Advisory Committee shall be consulted before an appointment is made.

(*c*) Separate departments with separate entrances for men and women shall be organized, and other departments for children, farm labourers and workers in different trades.

(*d*) Services shall be rendered free both to employers and applicants for employment.

(*e*) Applicants for work shall always be informed of the existence of a strike or lockout before being referred to any employment where such dispute exists.

(*f*) No applicant shall suffer any disqualification on account of refusing to accept employment, where the ground of refusal is that a strike or lockout exists, or that wages are lower than those current in the trade in that district.

(*g*) Public Employment Offices shall make at least two reports each week with respect to unfilled applications. On receipt of such reports the Branch Office of the National Bureau shall promptly refer the applications to other Public Employment Offices to be filled.

Labour Exchanges under State control which satisfy these requirements, and such other requirements as shall hereafter be made, shall receive financial assistance through the National Bureau. For each of the fiscal years 1915-16 and 1916-17 the Federal Government shall appropriate $150,000. After June 30th, 1917, and annually thereafter, this appropriation shall be $250,000. This sum shall be allotted to the States in proportion to the sums which they annually spend on Public Employment Offices in such manner that for every 50 cents allotted from the Federal Fund, the State shall have expended for the same purpose not less than $1.

In the letter which has already been quoted, Mr. Leiserson continues:—

"While your Provinces may have less power than our States, it seems to me that there is a great advantage in making every Province and every city a free experiment station for working out new remedies for unemployment and then have the Dominion Government subsidise those Provinces or municipalities which adopt the best methods that have been worked out by local or Provincial authorities, and that have been approved by a Dominion Bureau of Employment."

CHAPTER V.

THE CONTROL OF PUBLIC EXPENDITURE.

(1) *Federal Expenditure.*

During the past decade the buoyant revenues of the country have permitted the making of heavy expenditures on Capital Account, a considerable amount of which has been paid out of current income. On the other hand, in certain instances, expenditures that properly should have been charged to current income have been carried over to Capital Account. It is, therefore, almost impossible to analyze Federal finance in such a way as to discover the exact sums spent on Public Works. However, the general trend of Federal spending is revealed in the following table,[1] which shows the increase in the number of Post Offices, and the capital expenditures on Canals and Public Works by the Dominion Government, from 1900 to 1913:—

Year.	No. of Post Offices.	Capital Expenditures on Canals.	Capital Expenditures on Public Works.
1900	9,627	$2,639,365	$3,563,026
1901	9,834	2,360,570	4,699,680
1902	9,958	2,114,690	6,786,799
1903	10,150	1,823,273	5,830,518
1904	10,460	1,880,787	6,492,273
1905	10,879	2,071,593	8,304,009
1906	11,141	1,552,121	9,347,527
1907	11,377	887,838	7,155,396
1908	11,823	1,708,156	11,199,384
1909	12,479	1,868,834	14,784,739
1910	12,887	1,650,706	11,342,365
1911	13,324	2,349,474	11,807,035
1912	13,859	2,554,938	13,928,666
1913	14,178	2,255,445	18,884,224

It will be seen from an analysis of this table that expenditures[2] by the Federal Authorities on Public Works amount to a very large sum—so great, indeed, that if they were planned with this in view, they would help materially to counterbalance the falling off in the demand for labour when ordinary business declines. The Dominion, however, has made no effort to apportion its expenditures according to a definite programme. It should be observed, too, that the above table takes no account of the enormous sums spent by the Dominion upon railways during the past decade. The sudden cessation in this spending, owing to the outbreak of the war, has intensified the business depression.

(2) *Provincial Expenditure.*

It is not necessary to do more than draw attention to some of the more significant items in the accounts of the Province of Ontario. Much Provincial, as well as Federal, spending cannot be controlled: an analysis, however, of certain accounts shows that this would be possible in several of the large spending

[1] Compiled from "Public Accounts of Canada."
[2] The information given in this chapter regarding Federal, Provincial and Municipal Finance was secured for the Commission by Dr. W. W. Swanson, of Queen's University.

Departments, such as those concerned with Public Buildings, Public Works, Colonization Roads, and Crown Lands. The following table shows the Provincial expenditure under these heads during the last six years:—

	1909–10	1910	1911	1912	1913	1914
Public Buildings	378,835	643,092	1,198,292	1,483,589	1,628,519	1,917,042
Public Works	140,653	154,808	205,238	203,823	184,102	199,251
Colonization Roads	449,209	452,745	451,111	433,623	406,034	480,845
Crown Lands	503,296	569,507	617,111	579,862	582,593	587,299
Totals	1,471,993	1,820,152	2,471,752	2,700,897	2,801.248	3,184,437

(3) *Municipal Expenditure.*

During the years 1900-1914 municipal expenditures throughout the Province increased greatly. These have been made, in large measure, on capital account, for the construction of streets, pavements, sewers, etc. In addition to municipal expenditures, there have been heavy outlays in the various municipalities by public corporations and private investors.

From an investigation, carried out by the Commission, of the expenditures upon public works of fifteen towns and cities of the Province, it was found that there was a steady growth in Municipal spending between the years 1900-1909; a remarkable expansion in expenditures in the years 1909-1912, and an equally remarkable expansion in the years 1913-1914. The details are given below.

SUM SPENT ON PUBLIC WORKS BY FIFTEEN ONTARIO MUNICIPALITIES BETWEEN THE YEARS 1905 AND 1914.

Cities.	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
Brantford	56,921 00	59,386 00	91,859 00	184,643 00	251,796 00	294,962 00	159,237 00	147,816 00	189,444 00	206,157 00
Collingwood	11,342 00	11,256 00	10,081 00	11,386 00	3,974 00	6,709 00	7,804 00	9,059 00	6,106 00	7,212 00
Chatham	119,836 46	102,782 32	83,123 26	59,515 22	62,092 54	41,141 48	67,237 25	92,999 57	76,797 32	63,325 55
Cornwall	8,688 43	14,172 58	12,435 76	14,380 60	13,134 02	13,672 42	14,372 33	10,411 31	16,795 24	18,346 32
Hamilton	223,863 14	185,783 55	236,916 64	184,238 81	152,259 32	430,669 87	655,515 62	841,907 06	1,610,461 40	917,558 96
Kingston	36,974 38	38,938 40	42,238 95	45,173 22	45,820 62	39,464 97	38,100 48	52,251 96	127,159 00	106,487 55
London	132,410 26	142,640 83	94,925 90	133,042 98	81,841 07	30,992 21	58,249 20	35,146 54	84,908 38	214,897 62
Niagara Falls	82,578 08	47,606 59	32,897 15	28,500 72	26,310 98	19,248 14	33,219 54	46,190 55	35,458 23	36,220 74
Ottawa	218,387 58	442,368 99	576,977 39	629,413 44	717,968 03	766,778 47	1,096,827 50	1,262,134 70	1,451,065 68	1,720,670 00
Pembroke	10,807 00	13,943 00	12,326 00	44,352 00	34,454 00	34,240 00	61,182 00	26,103 00	32,248 00	25,350 00
Peterboro	187,214 51	464,794 84	512,400 02	300,695 85	301,937 09	1,052,473 85	539,985 50	772,500 37	971,021 59	751,630 22
Toronto	1,353,696 40	1,548,496 56	1,904,674 44	2,227,415 77	2,350,765 22	3,971,402 22	6,505,408 11	6,296,060 09	7,332,181 58	8,156,877 58
Welland	10,000 00	14,490 00	14,490 00	44,272 00	46,299 00	46,299 00	63,960 00	63,960 00	337,770 00	127,535 00
Windsor	27,889 05	84,395 45	67,262 04	56,582 15	56,669 57	37,481 23	81,081 35	182,781 70	234,425 40	336,410 94
Woodstock	48,200 00	39,900 00	110,500 00	27,250,00	50,100 00	19,400 00	36,500 00	31,700 00	60,600 00	30,300 00
Totals	2,528,808 29	3,210,955 11	3,803,107 55	3,990,861 76	4,195,421 46	6,804,934 86	9,418,679 69	9,871,021 85	12,566,441 82	12,718,980 72

In 1911 the population of these municipalities was 724,000, or more than three-quarters of the urban population of Ontario. It appears from these returns that during the ten years between 1905 and 1914, their expenditure on public works was increased a little more than fivefold.

An analysis of the data received from their Mayors, Clerks and Engineers suggests that a considerable amount of the public work undertaken each year might be carried on in slack months, especially in winter. It is possible that such work as could be postponed to the winter months would cost slightly more if done at that time; but the burden that would be lifted from the municipalities, through the prevention of unemployment, would more than outweigh this increased cost. Not only so, but it is feasible to postpone till a year of depression much other municipal work, such as the building of town halls and fire stations, and the laying out of parks, driveways, etc., the construction of which, at a stated time, is not urgently necessary.

Loans of the Province of Ontario.—The Province, owing to the great extension of its public undertakings in recent years, has borrowed in the English and American money markets; the latter market having become increasingly important since the outbreak of war with Germany. From January to May, 1915, the Province secured $9,000,000 in the United States on very favorable terms; one nine months' loan of $2,000,000 being secured at 3⅞ per cent.

Interest rates on Provincial loans have ranged between 4½ and 5 per cent. in 1914-1915, as against an average rate of 4 per cent. in the years 1911-1913. It is important to observe, too, that the Province has had considerable recourse to short-time financing, having issued between April, 1911, and May, 1915, $6,000,000 of 5 per cent. five-year notes. This policy is one that takes account not only of present, but of future conditions as well.

The following table shows the extent of the Provincial borrowings and the terms on which loans have been raised during the last five years:—

Date of Issue.	Amount.	Securities.	Rate %	Term.	Sold in.	Remarks.
	$					
1911, April....	290,000	Bonds	4	.....	Canada	For acquisition of timber in Algonquin Park.
1911, June	2,433,333	Registered Stock	4	.....	London	For Public Works, including the Temiskaming and Northern Ontario Railway.
1911, October.	1,000,000	Stock and Bonds	4	.....	Canada	For Public Works.
1912, April....	2,210,000	Stock and Bonds	4	.....	Canada	For Public Works and Algonquin Park.
	1,460,000	Stock	4	.....	London	Sold privately
1913.....	2,920,000	Treasury Bills ..	.....	.....	London	For Hydro-Electric purposes.
	1,770,300	Stock	4	.....	Canada	
1914, July	4,866,667	Bonds	4½	50	London	
1914, October..	1,000,000	Notes.....	5	5	Canada	
1914, December	1,000,000	Notes	5	5	United States	
1915 January..	3,000,000	Bonds	5	5	United States	Used to pay off temporary loans.....
1915, April....	1,000,000	Bonds	5	5	Canada	
1915, May	2,000,000	Notes	3⅞	9 mos.	United States	Raised against Provincial War Tax.
1915, May	4,000,000	Bonds	4½	10	United States	

Borrowings of Ontario Municipalities.—A special investigation was made by the Commission of the borrowings of seventeen Ontario municipalities for the years 1910-14. The following figures show the amounts borrowed:—

SUMS BORROWED BY SEVENTEEN ONTARIO MUNICIPALITIES BETWEEN THE YEARS 1910 AND 1914.

Cities	1910	1911	1912	1913	1914
Brantford	332,104.00	186,323.00	58,297.00	359,931.00	281,867.00
Berlin	123,773.89	229,306.00	171,513.08	369,251.90	369,709.73
Chatham	3,550.46	19,491.77	74,579.99	62,740.60	145,450.19
Cobourg	4,563.00	7,000.00	4,342.00	4,915.00	6,942.00
Fort William	569,415.46	662,063.00	264,591.20	1,072,809.40	1,415,801.99
Galt	100,292.00	63,731.00	108,938,00	174,018.00	218,981.00
Hamilton	673,200.00	640,000.00	2,076,000.00	1,140,000.00	2,075,000.00
Kingston	46,821.00	81,874.00	99,193.00	216,130.00	217,650.00
London	511,436.54	109,041.94	273,530.84	1,137,705.23	494.117.74
Oshawa	17,500.00	10,038.08	77,147.16	118,423.34	55,478.16
Pembroke	12,500.00	65,000.00	11,000.00	50,000.00	43,000.00
Peterboro	88,671.46	71,602.97	133,616.86	207,971.42	65,291.88
Port Arthur	177,888.00	547,340.00	551,900.00	2,257,138.15	458,904.40
Smith's Falls	54,182.33	76,023.57	27,129.67	30,467.11	97,854.39
Stratford	136,173.00	102,816.00	68,247.00	145,944.00	154,000.00
St. Catharines	131,908.06	224,800.00	92,726.74	347,234.14	25,000.00
Woodstock	71,578.28	40,033.73	18,604.39	63,733.49	73,505.48
Totals	$3,055,557.48	$3,136,485.06	$4,111,357.59	$7,758,412.78	$6,198,553.96

A steady increase is shown by these figures, the high-water mark being reached in 1913. For a time after the outbreak of war there was little or no municipal borrowing, but in the early months of 1915 large sums were borrowed in the United States.

The tables here presented show that the Federal Government and the municipalities have increased their expenditure in times of business activity, and the municipalities have increased their borrowings out of all proportion to the growth in capital resources. Their competition in the labour market has made it the more difficult for private employers to secure labour, and swollen beyond immediate requirements the tide of immigration. No reserves of expenditure, which forethought might well have accumulated, were at any time provided for periods of depression.

(4) *Conditions of Successful Operation.*

Reference has been made,[1] in the first part of this Report, to the general agreement, among students of this question in Europe and America, that unemployment can—in great measure—be prevented by the judicious control of public spending. It is several years since this plan was adopted by the Prussian Government. On July 31st, 1904, a circular, signed by the Minister of Commerce and the Home Minister, was addressed to all the royal presidents of districts. It ran, in part, as follows:—

"We further request you to have the goodness to direct your attention to those measures which are calculated to prevent the occurrence of want of work on a wide scale, or to mitigate its effects when it is unavoidable. Not only the State, but also the Provinces, districts, and communes, in their capacity as employers, are bound to do their utmost to counteract the evil in question by paying general and methodical attention to the suitable distribution and regula-

[1] See Part I, pp. 28 to 30.

tion of the works to be carried out for their account. In almost every industrial establishment of importance there are tasks which do not absolutely need to be performed at a fixed time; just so in every state and communal administration there are works for the allotment of which the time may, with certain limits, be freely chosen according to circumstances. If all public administrations in making their arrangements would take timely care to choose for such works times in which want of employment is to be expected, if especially works in which unemployed people of all kinds, including in particular unskilled labourers, can be made use of, were reserved for such times of threatening want of unemployment as have almost regularly recurred of late in winter in the larger towns and industrial centres, the real occurrence of widespread want of employment could certainly be prevented in many cases, and serious distress warded off."

The Government of India has successfully followed the same principles.[1] Since 1909, they have been adopted by the British Government.

While there is general agreement in favour of this policy, the difficulties to be faced are much greater in some countries than in others. It is essential that there be some measurement, both in space and time, of the change in industrial conditions. Responsible authorities must be made aware of the growth in the number of unemployed workmen, before the situation has become acute. The more readily the first departure from normal conditions can be seen, the simpler will be the task; and since these depressions are not universal in their early stages, but local in character, it is equally necessary that the trades first affected, and the district in which a depression begins, should be definitely known.

The prevention of unemployment in this country, by the control of public expenditure, will therefore depend, in part, on the machinery for measuring local changes in employment. When this shows that conditions are abnormal, such public works as are available can at once be started.

It does not follow, however, that useful public work will be available in quantities sufficient to absorb all idle workers. In so far as trade depressions, coming at irregular intervals, and with uncertain intensity, prevent the systematic planning of expenditure in future years, all measurement of changes in the volume of employment, whatever their usefulness in other directions may prove to be, will be found useless for this purpose.

Two enquiries are, therefore, necessary:—First—Is a detailed and continuous measure of unemployment possible? and, Secondly—With what approach to regularity do trade depressions come?

(5) *The Measure of Unemployment.*

In England the first economic result of the declaration of war on August 4th, 1914, was a large increase in unemployment. As a means of providing necessary work for those who were suddenly discharged, the Road Board had a considerable fund available for road-building. In addition to this, Parliament at once voted $20,000,000 for the building of workmen's houses.

An analysis of the information secured by the Board of Trade, which enabled the British Government to decide where and in what amount this expenditure was necessary, will illustrate the possibilities of measuring, in space of time, a change in conditions of employment.

[1] See Part I, p. 29.

The monthly returns of unemployment received from the principal labour unions, and published by the Board of Trade, are shown in the table that follows:

TRADE UNION PERCENTAGE OF UNEMPLOYED (1914).

Percentage of Members Unemployed at end of

—	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Building	2.9	3.2	7.4	5.6	3.0	1.8	2.1
Coal Mining	0.5	0.5	1.3	1.9	2.5	1.6	1.4
Iron and Steel	5.5	5.5	7.6	2.6	3.1	1.9	3.0
Engineering	3.0	3.4	7.1	4.8	3.3	1.8	1.4
Shipbuilding	4.4	6.6	6.3	5.7	6.5	2.8	1.9
Miscellaneous Metal	1.5	1.4	9.0	4.0	2.2	1.5	1.4
Textiles—							
Cotton	2.2	3.9	17.7	14.5	9.2	6.3	5.2
Woollen and Worsted	5.1	4.3	7.2	6.1	6.1	5.1	3.7
Other	1.2	1.9	6.1	8.2	6.4	6.5	5.2
Printing, Bookbinding and Paper	3.2	2.5	7.4	7.0	6.7	4.7	4.5
Furnishing and Woodworking	2.0	2.3	9.8	8.3	6.2	4.5	4.5
Clothing	1.7	1.7	5.3	2.6	1.5	1.3	1.1
Leather	4.7	5.2	6.2	4.2	2.9	2.1	2.4
Glass	0.5	0.6	1.1	1.6	1.7	2.0	1.9
Pottery	0.8	0.7	2.7	1.5	1.3	1.4	1.0
Tobacco	3.6	4.5	14.0	20.5	12.8	6.5	6.3
Average	2.4	2.8	7.1	5.6	4.4	2.9	2.5

It will be seen that the greatest increase in unemployment was felt in the cotton and tobacco factories. Among those which were seriously affected, however (except in the miscellaneous textile and tobacco trades), the volume of unemployment began to fall in September. It was obvious that, so far as skilled workers were concerned, the situation was improving very quickly. At the end of October, conditions in the building trade were normal almost everywhere. In other words, the need for additional expenditure on buildings, which for a time was real, soon disappeared. Except the textile, printing, woodworking and tobacco trades, all were in a normal, or even prosperous condition at the year's end.

Since these returns at no time covered less than 900,000 men and women, they may be taken as representing the condition of all skilled workers. Among the very large organized industries of the country, cotton alone recovered slowly.

On the other hand, it does not follow from this table that the condition of unskilled labour was as satisfactory. Since unskilled labourers seldom contribute to benefit funds, and since their industrial condition is at all times precarious, it was urgently necessary to discover how war had affected them. The Labour Exchanges were the means of doing this. By comparing the number of vacant situations, notified at the Labour Exchanges, with the registration of unemployed workers, it is possible to follow changes in the labour market. The table that follows has been compiled from the monthly returns of the Labour Exchanges, and is an index of conditions in four occupations, not represented in the former statement:—

BOARD OF TRADE LABOUR EXCHANGES.

Number of vacant situations notified per 100 registrations of adult unemployed workers.

—	4 weeks ending June 12, 1914	5 weeks ending July 17, 1914	4 weeks ending Aug. 14, 1914	4 weeks ending Sept. 11, 1914	5 weeks ending Oct. 16, 1914	4 weeks ending, Nov. 13 1914	4 weeks ending Dec. 11, 1914
Transport Workers	53	55	48	49	62	76	85
Outdoor Domestics	60	51	41	53	40	42	51
Labourers	40	40	39	61	56	57	62
Shop Assistants	36	40	16	12	8	15	31

It will be seen that for two months there was a noticeable decline in the demand for railwaymen, sailors and bargemen, and that, except for the Christmas season, the demand for outdoor domestic service did not recover from the shock of war. On the other hand, there was no marked decline in the demand for general labour, which, indeed, became comparatively keener than before the war. The demand for shop assistants fell, and the Christmas season did not restore it to its former level. Among the twenty groups of workers, whose condition is indicated in these tables, the shop assistants suffered most intensely.

This information showed clearly the needs of the principal trades and occupations, and could be developed in great detail. It suggested also the localities in which unemployment was most marked. This indirect method of arriving at local conditions was not, however, necessary. The returns of Divisional Offices gave more direct information on this point. These were as follows:—

BOARD OF TRADE LABOUR EXCHANGES

No. of vacant situations notified per 100 registrations of adult unemployed workers

District.	4 weeks ending June 12, 1914	5 weeks ending July 17, 1914	4 weeks ending Aug 14, 1914	4 weeks ending Sept. 11, 1914	5 weeks ending Oct. 16, 1914	4 weeks ending Nov. 13, 1914	4 weeks ending Dec. 11, 1914
London and South Eastern	35	33	23	22	32	35	42
South Western	56	49	61	51	80	85	87
West Midlands	38	39	22	25	48	50	58
Yorkshire and East Midlands	52	54	30	31	51	55	57
North Western	37	42	23	20	23	29	41
Scotland and North of England.	48	46	46	36	44	55	65
Wales (including Monmouth)	82	79	68	87	78	67	70
Ireland	37	36	28	26	38	27	27
Average	45	44	32	30	41	45	52

It was obvious that, in the South Western Division, recruiting for military purposes was absorbing labour faster than it was discharged from industry. In five other Divisions conditions returned to normal in August or September. Only the returns for the North Western Division and for Ireland showed symptoms of distress. In the North Western Division the December returns were reassuring,

but in Ireland conditions seemed worse instead of better. These were the districts whose need of attention was urgent; and it was then a simple matter for the Road Board, or any great spending authority, to secure from the Board of Trade more detailed information regarding these Divisions, and find in which towns and cities the situation was acute.

It was impossible, in the first days of the war, for anyone to foretell conditions of labour. These returns, however, enabled relief agencies of every kind, without confusion or delay, to measure the changes which occurred. The relief or prevention of distress was at no time hampered by lack of information.

Similar returns for the German Empire (not all of which were secured by the *Board of Trade Labour Gazette*) indicate that despite conscription, which made it possible to call men to the colors at once on their discharge from industry, the growth of unemployment was greater there than in England, and the readjustment far less prompt. While in England there was a normal demand for labour in January, 1915, such a condition did not arrive in Germany till April.

The recommendations of this Commission, which have been outlined in Part 1. of the Report, provide for the development of an information service identical with that of England. From the societies of workingmen, which provide unemployment benefit for their members, and can claim the Government subvention, monthly returns could be secured of the number of their members unemployed. For industries whose workers are not organized, and for those in which this benefit is not provided, the returns of the Provincial Employment Bureaux, whose creation is suggested, would enable not only the Government, but municipalities and private charities, to determine the trades and the places in which distress was felt, and to take effective action.

In the preliminary stages, this information would have comparatively little value. The more partial the returns of unemployment, the more difficult would it be to base on them an estimate of trade and local needs; but as the system develops, and the returns become more adequate, those who must deal with industrial distress would find their task much simpler. In time, as it becomes the rule to secure labour from Employment Bureaux, and as the provision of unemployed benefit becomes more general, it should be possible to state, positively, what difficulties have to be faced.

(6) *Periodic Depression in Trade.*

The trade records of the past two centuries suggest that trade depressions have occurred with considerable regularity. "I hold," said Stanley Jevons to the British Association in 1878, "that there is more or less evidence that trade reached a maximum of activity in or about the years 1701, 1711, 1721, 1732, 1742, 1753, 1763, 1772, 1783, 1793, 1805, 1815, 1825, 1837, 1847, 1857, and 1866. These years, whether marked by the bursting of a commercial panic or not, are, as nearly as I can judge, corresponding years, and the intervals vary only from nine to twelve years."[1] Three years before this meeting, Mr. Jevons had concluded a paper, which was withdrawn from publication, with this forecast: "It is now pretty generally allowed that the fluctuations of the money market, though often apparently due to expansion and accidental events, such as wars, great commercial failures, unfounded panics, etc., yet do exhibit a remarkable tendency to recur at intervals approximating to ten or eleven years. Thus the principal commercial crises have appeared in the years 1825, 1836 to 1839, 1847, 1857 and 1866, *and I was almost adding 1879, so convinced*

[1] W. S. Jevons, Investigations in Currency and Finance, page 195.

do I feel that there will, within the next few years, be another great crisis."[1] It is interesting to note that in the year 1879 the Board of Trade Index of Unemployment reached 10.7%, a larger figure than has been recorded at any time before or since. The prophecy was based on very desultory records, and its fulfilment is remarkable.

In modern times, continuous and accurate records have been plentiful; these confirm the view that a period exists, but point to one of seven years, rather than of ten years. In the table which follows, the Board of Trade Index of Unemployment for the years 1878-1912 has been placed beside the annual average minimum rate of discount charged by the Bank of England.

Year.	Unemployed Percentage United Kingdom Board of Trade Returns.		Bank of England Average Minimum Annual Rate of Discount.	
	%		%	
1878	6.25		3.78	
1879	10.70		2.52	
1880	5.25		2.77	
1881	3.55		3.50	
1882	2.35		4.13	
1883	2.60		3.57	
1884	7.15		2.95	
		Average, 5.4%		Average, 3.3%
1885	8.55		2.88	
1886	9.55		3.05	
1887	7.15		3.35	
1888	4.15		3.30	
1889	2.05		3.55	
1890	2.10		4.52	
1891	3.40		3.26	
		Average, 5.3%		Average, 3.4%
1892	6.20		2.53	
1893	7.70		3.05	
1894	7.70		2.11	
1895	6.05		2.00	
1896	3.50		2.48	
1897	3.65		2.64	
1898	3.15		3.24	
		Average, 5.4%		Average, 2.6%
1899	2.40		3.75	
1900	2.85		3.98	
1901	3.80		3.72	
1902	4.60		3.33	
1903	5.30		3.75	
1904	6.80		3.30	
1905	5.60		3.00	
		Average, 4.5%		Average, 3.5%
1906	4.10		4.26	
1907	4.30		4.93	
1908	7.80		3.00	
1909	7.70		3.10	
1910	4.70		3.72	
1911	3.00		3.47	
1912	3.20		3.78	
		Average, 5.0%		Average, 3.8%

In this there is a clearly marked period of seven years. In each period, with one exception, there is a minimum and a maximum of unemployment. In each period, with one exception, the average amount of unemployment during seven years is almost, but not quite, the same. For all but the first of the four periods, which

[1] W. S. Jevons, Investigations in Currency and Finance, page 205.

show this completeness of resemblance, plans might have been made beforehand, with the records of similar past periods as a basis. The years against which it would have been advisable to make provision were 1879, 1886, 1893-1894, and 1907-1908. There are thus two periods of seven years, and one "double period" of fourteen years.

The reason for this exception is not difficult to find. The fourth of the trade depressions was due to begin during the war in South Africa. The war for some time absorbed the energies of a quarter of a million of men, and involved the spending of thousands of millions of dollars on their equipment and maintenance. It was as though, in the fourth of these five periods, public works on an enormous scale had been initiated at the crucial moment. As a result of this, there was little unemployment.

The difference between such a method of preventing unemployment and that recommended in Part 1. of this Report, lies in the fact that money was not spent on necessary public work for which provision had been made, but to meet an expensive emergency. Its indirect influence is reflected in the large amount of unemployment which prevailed during the years 1903, 1904, and 1905.

But for the war in South Africa, there is no reason to suppose that the period between the years 1899 and 1905 would have differed from those which preceded, and which followed it. On the other hand, it should be possible in future to govern the conditions of such a period at less expense.

Similar tables for Canada cannot of course be constructed. It is therefore impossible to discuss with the same precision the regularity of trade depressions in this country. Nevertheless it is evident that much the same changes have occurred in Canada as in Great Britain, and that there has been a coincidence in time.

Reference to the preceding table shows that the rate of discount charged by the Bank of England has fluctuated with considerable regularity. By a mathematical method accepted in the science of statistics, it is demonstrable that there is a marked causal relationship between the rate of discount and the volume of unemployment, as indicated by the Board of Trade Returns;[1] and since the rate of discount of the Bank of England, by reason of London's position as a free market for gold, has an international significance, it is only natural that the variations recorded in the British labour market should be closely paralleled in other countries, including Canada.

That this was the case, even with the Canadian Banking System in a rudimentary form, has been shown by Mr. Roeliff Morton Breckenridge.[2] The first suspension of payments in Lower Canada was made in May, 1837, at a time when England, also, was suffering from a financial and business depression. Nor was it confined to Lower Canada. "The crisis of 1837 was as severe in Upper Canada probably, and the results as distressing to the community generally, as anywhere on the continent."[3] Another crisis occurred in 1847. "The brunt of the crash in England, so far as it affected North American possessions, fell upon Lower Canada or Canada East, for it was the merchants in Montreal and Quebec whose connection with Britain was the closest by reason of their dominance in the export trade. Commercial failures in number, the great falling off in overseas shipments of timber, wheat and produce, the heavy reductions of discounts

[1] See Appendix D.
[2] The History of Banking in Canada, Washington Government Printing Office, Senate Document, No. 332.
[3] Breckenridge, op. cit., pp. 39-40.

by the bankers, and the sharp contraction in their circulation made 1848 a hard year."[1]

The British crisis of 1857 found a similar parallel in Canada. "Following the poor crop of 1857, low grain prices, and heavy reduction of the inflow of British funds, came the financial crisis in Great Britain and the United States. Thrown as they were almost entirely upon capital and circulation for their lending resources, and confronted at this juncture by the prospect of large demands for note redemption, the Canadian Bankers ceased to discount. . . . . Within the year, their circulation had fallen to two-thirds its volume in 1856; discounts, of course, were cut down in corresponding degree. . . . . Without their usual advances, divers local industries were forced to run short time or not at all, while throughout the Province, but more especially in the western part, many failures occurred, and much distress followed the abrupt fall in land values."[2]

The crisis in 1866 in England was accompanied by the failure of the Bank of Upper Canada in 1866, and that of the Commercial Bank of Canada in 1867.

The Canada Year Book provides material for the more detailed study of trade fluctuations in Canada during the last generation. The records of Canadian mineral production, import trade and railway earnings, show that Canada has prospered when England has prospered, and has suffered from depression at the times when England suffered. The degree of exactness with which the trade depressions of the different countries synchronize, is a matter of considerable public importance, and merits continuous investigation.

Year.	Value of Mineral Production in Canada.	Total Import Trade of Canada.	Gross Railway Earnings of Canada.
	$	$	$
1886	10,221,255	104,424,561	33,389,382
1887	10,321,331	112,892,236	38,842,010
1888	12,518,894	110,894,630	42,159,153
1889	14,013,113	115,224,931	42,149,615
1890	16,763,353	121,858,241	46,843,826
1891	18,976,616	119,967,638	48,192,099
1892	16,623,415	127,406,068	51,685,768
1893	20,035,082	129,074,268	52,042,397
1894	19,931,158	123,474,940	49,487,965
1895	20,505,917	110,781,682	46,655,883
1896	22,474,256	118,011,508	50,374,295
1897	28,485,023	119,218,609	52,109,518
1898	38,412,431	140,323,053	59,359,930
1899	49,234,005	162,764,308	61,831,235
1900	64,420,877	189,622,513	70,231,979
1901	65,797,911	190,415,525	72,898,749
1902	63,231,836	212,270,158	83,666,503
1903	61,740,513	241,214,961	96,064,527
1904	60,082,771	259,211,803	100,219,436
1905	69,078,999	266,834,417	106,467,198
1906	79,286,697	294,286,015	125,322,865
1907	86,865,202	259,786,007[3]	146,738,214
1908	85,557,101	370,786,525	146,918,314
1909	91,831,441	309,756,608	145,056,336
1910	106,823,623	391,852,692	173,956,217
1911	103,220,994	472,247,540	188,733,494
1912	135,048,296	559,320,544	219,403,753
1913	145,634,812	692,032,392	256,702,703
1914	128,475,499	650,746,797	243,083,539

[1] Breckenridge, op. cit., p. 55.
[2] Breckenridge, op. cit., p. 67.
[3] The trade figures for 1907 are for nine months only. The fiscal year from 1907 onward dates from March 31st. The value of imports into Canada during 1907, on the twelve months' basis of the old fiscal year, was $359,793,278; and on the twelve months' basis of the present fiscal year, $343,913,824.

These figures throw no light on the depressions preceding 1890; but, if evidence were needed of the fact, they show that in the years between 1892 and 1895 there was a severe depression. The war in South Africa produced the same effect in Canada as in Great Britain, and the depression which was due to come in 1900 never came. The records of Canadian production in the years 1902, 1903, and 1904 provide a close parallel to the contemporary British figures. There was a depression in 1907 and 1908, which is reflected in the second and third of these columns; and the year 1914, in which a depression might have been expected, witnessed the conditions with which everyone is still familiar.

It is certain that, both in Great Britain and Canada, trade depressions have a periodic character. It is probable that depressions and expansions are occurring in periods of seven years. Plans based on regular returns of unemployment, with a view to meeting the depressions, must take this into account. It should be the object of our national endeavour to provide, during five years of plenty, for the two lean years that may succeed them.

CHAPTER VI.

THE LAND PROBLEM OF ONTARIO.

(1) *The Movement of Population.*

In the forty years that followed 1871, the rural population of Ontario declined by 111,620. Most of this occurred in the latter half of the period. In the first ten years of this century the decline amounted to 52,184, or more than four per cent. of the rural population enumerated in 1901. The counties which lost most heavily during the decade were as follows:—

County.	Decline 1910-11.
Simcoe . . .	7,590
Huron . . .	7,687
Bruce . . .	7,922
Grey . . .	10,836

In parts of the United States the same tendency was at work. Proportionately to their population Indiana, Iowa, Missouri, Rhode Island and Vermont have suffered since 1900 even more heavily than has Ontario.

This decline in the rural population has from time to time been represented as a healthy growth. It has been attributed largely to the disappearance of the rural industries. Farmers who made their own fences at one time now buy them from the cities. So, too, it is maintained that the necessities of cheap production, in centralizing the manufacture of farm implements and vehicles, of harness and of tiles for drainage, have produced results which might have been foreseen, and, far from involving a decline in agriculture, have been helpful to the farmer.

The following table, which is taken from the introduction to the Third Volume of the Census of 1911, shows very broadly the most recent changes in the location of industry:—

	1901		1911	
	Value of Products.	% of Total	Value of Products.	% of Total.
Toronto, Ottawa, Hamilton, London, Brantford . . .	$97,000,000	40%	$262,000,000	45%
All other cities, towns and villages of more than 1,500 people . . .	87,000,000	36%	198,000,000	34%
Centres of less than 1,500 people . . .	58,000,000	24%	120,000,000	21%
Total . . .	$242,000,000	100%	$580,000,000	100%

From this it appears that the five chief cities of the Province have gained so fast since 1900, that the smaller cities, as well as the country districts, are relatively less important than before. Nevertheless, it is obvious that production in the smaller centres has grown in volume of output as well as in values. The disappearance of the rural industries does not explain a loss of 50,000 people from the rural districts during ten years of the present century.

A further indication that the rural population occupied in farming has declined, is to be found in the introduction to the Fourth Volume of the Census of 1911, which records that the amount of hired labour performed in Ontario

during that year was less by 671,615 weeks than it had been in 1901. This decline has occurred in spite of a growth in the size of the average farm. A part explanation may perhaps be found in the fact that the wages of farm labour rose by 40% in the decade.[1]

Not that agriculture has actually proved unprofitable during the period under review. Between 1901 and 1911 the prices of dairy products rose by 32%, of animals and meats by 33%, of grains and fodder by 38%.[2] The census of 1911 shows an increase of nearly 30% in the value of all property per farm in Ontario.

While the population of Ontario has migrated elsewhere, there has been a large increase in the foreign population. The Census of 1901 places the number of persons born in Continental Europe and living in Ontario at 30,895. Ten years later it was found to be 86,967, an increase during the decade of about 280%. Mr. Coats suggests that enumeration was not in either year exhaustive. The Census is taken at a time when many foreigners are engaged on railway construction in distant places, of whom some no doubt are overlooked. Thus each of these figures is likely to be an under-estimate; but since railway construction was greater in 1911 than in 1901, the omission would be larger in the latter year. In other words, the growth in the number of residents of Ontario born in Europe is likely to have been not less, but more than 280%.

Of all the Continental Europeans enumerated in 1911, more than one-third (30,201) were found in Toronto, Hamilton, Fort William and Port Arthur. Since the Census was taken on June 1st, it is clear that the proportion living in these cities during winter, swollen as it is by foreigners returning from construction work, is even larger.

Nor does this include all those of Teutonic, Latin or Slavonic race who have migrated to this Province. A recent Government Report[3] has analyzed the racial origin of immigrants from the United States. It finds that thirty-eight and one-half per cent. of them are of Continental European stock. In other words, there are about 21,000 American immigrants in Ontario who should be classified racially with Continental Europeans. Of these, about 6,000 live in the cities above mentioned, which thus contained, in 1911, nearly forty per cent. of the 108,000 immigrants in Ontario who were of European, but not of Anglo-Saxon blood.

So far as the population of this Province is recruited from Continental Europe, the rural districts benefit but little. While statistics of occupation based on nationality are difficult to gather, it is evident that few foreigners are occupied in agriculture. This is the more striking since a very large proportion have had considerable farm experience, and little else, before coming to this country.

No detailed study bearing on this point has yet been made in Toronto. The probable results of an enquiry may be judged from two small indications. In February, 1915, the Department of Public Health enquired of 100 Italian heads of families, selected at random from among those requiring medical attendance, what their previous experience had been. Eighty-nine of these had been farmers or farm labourers in Italy. On another occasion the Rev. Awdrey Brown took a census of a large Polish night class, and found that every man came from the land in Poland. All were expert farmers; none had farmed in Canada. "In my community," the witness states, "I find Poles who do not know that farm land may be had here. They land at Montreal and come on the night train to

[1]Census of Canada, Vol. IV., p. LX.
[2]Wholesale Prices, Canada, 1912, pp. 180-82.
[3]Special Report on the Foreign-Born Population, Ottawa, 1915.

Toronto; they find work excavating sewers or something of that kind, and are surprised to learn that there are farms in Canada."

The same conditions may be found in Hamilton. A report made in 1914 by Mr. C. R. McCullough to the Canadian Conference of Charities and Correction showed that twenty Magyars, who had worked in Canadian industrial establishments and at railway construction for about eight years, had saved an average of nearly $3,000 each. This had been sent back to Hungary for investment in small farms. These Magyars intended, as soon as they had saved a little more money, to return to the farms which had been purchased. All were skilled, industrious farmers who knew nothing of farming in Canada and had come out as general labourers. The only newspapers which they could read were published in their own language in New York, and contained no mention of farming possibilities in Canada. The men were astonished when told that they could have obtained at least five times as much land in Canada as their money had enabled them to purchase in Hungary.

More detailed surveys have been conducted in Port Arthur. In an article contributed to *Training* (May, 1915), Mr. Norman L. Burnette, teacher in charge of the classes for non-English in that city, gives an account of an enquiry made by him. Among the pupils in his classes, who belonged to twenty nationalities, he found that seventy-five per cent. had originally come from the land. Of the men, sixty per cent. were trained farm workers: ninety-four per cent. of the Finnish pupils, men and women, had lived and worked on farms.

This enquiry can be supplemented from the registration of the unemployed made by the civic authorities in Port Arthur. Among 362 men from continental Europe, from whom information on this point was obtained, the proportions are as follows:—

Country of birth.	No. men registered.	No. with farm experience.	Percentage with farm experience.
Italy	165	64	39
Austria	104	77	74
Finland	43	28	65
Russia	23	14	61
Scandinavia	16	12	75
Other countries	11	7	77
Total	362	202	56

In detail the two sets of figures fail to correspond. The Finnish proportions differ very widely; but in the mass these individual differences cancel one another. Mr. Burnette's calculation of sixty per cent. is closely confirmed by the civic registration.

Thus the Port Arthur figures are more definite than any that have been gathered elsewhere in the Province. It would of course be foolish to make definite deductions from them. Nevertheless it is clear that a large proportion of aliens in the cities have had farm experience.

Similar statistics have been supplied from Winnipeg by Mr. Howard Falk, General Secretary to the Associated Charities of that city. Though this enquiry was made outside the Province, it is eminently relevant.

In administering the Patriotic Fund Mr. Falk instructed his agents to record how applicants had been employed just before their departure for Canada. During the week in which this enquiry was conducted, returns were obtained from 255 families as follows:—

	No.	Percentage.
Cases in which land was owned and cultivated.....	179	70
Cases in which land was rented and cultivated	18	7
Cases in which head of family was a farm labourer..	43	17
Cases in which head of family made a livelihood from any source other than the land	15	6
Total	255	100

Few of these families had enough land in their home countries entirely to support them. One or more members of the family worked during part of the year for adjoining land owners or had trades in nearby towns. While they understood the production of all the staple crops, and the care of livestock, only one had experience of farm machinery beyond the harrow and the plough. Almost all these immigrants were told while still in Europe that they could buy 160 acres for $10. One man had called his informant a liar. Almost all came to Canada determined to farm as soon as they had saved a little in the city.

Mr. Falk asked why they had made payments on their city houses instead of using their money to start a homestead. The reply was invariably "I thought (or was told) that if I bought a house it would increase in value and then I could sell and would have more money to start farming." Some immigrants admitted that times were too good in the city and that the farm no longer appealed to them. Seven had farms or homesteads at the time, but for lack of money could not work them.

It is obvious that under proper guidance numbers of these men would prove efficient farmers, nor would it be difficult to place them on the land if their needs received attention when they landed.

(2) *Schemes of Settlement.*

Attempts to meet conditions similar to those described have been numerous in Canada. The notes which follow have been taken from Dr. S. C. Johnson's "History of Emigration," which discusses them in detail.[1]

The first experiment that calls for mention was made at the height of the British agricultural depression, in 1883, by Lady Gordon Cathcart. From among her impoverished tenants in the Hebrides ten families were chosen; each received a loan of $500, which was secured on the homestead, in accordance with the Dominion Land Act. So successful was their settlement, that in 1884 fifty-six more families were sent to join them. The movement was completed when the last ten families arrived in 1886. The whole number were distributed between St. Andrews, Manitoba, Red Jacket, Saskatchewan, and Wapella, Saskatchewan.

The first reports were very satisfactory. Average effects were valued at $1,300. Only when, after the second year, their first repayment was demanded, did the men complain of poverty. Whether their complaints were justified was more than doubtful. "When heard of twenty-three years later the settlers were hopelessly in arrears, only one amongst them having paid both capital and interest in full."[2] From the standpoint of its promoters, the scheme was an admitted failure; from that of the settlers, partly perhaps because they had evaded their indebtedness, it was a success. In 1907 Mr. Obed Smith sent an Inspector to report on the three settlements, who found them "wealthy communities and independent, notwithstanding the early struggle in getting established."

[1] A History of Emigration from the United Kingdom to North America, 1913, by Dr. Stanley Johnson.

[2] Johnson, A History of Emigration, p. 237.

Meanwhile, in 1882, Sir J. Rankin had bought land at Elkhorn in Manitoba. In 1884 he selected twenty-five families, including one hundred and twenty people, and put them to work on partly prepared land. He paid all expenses on condition of receiving half the crop. The sum invested was nearly $160,000, and thousands of people were examined before the choosing of the settlers. "In spite of these precautions the plan proved a failure, but it is satisfactory to know that Sir J. Rankin estimated he had received a rate of two per cent. on his capital from the sale of the crops which reverted to him during the first four years, and that he suffered no pecuniary loss on selling his untenanted plots, as these had undergone some measure of improvement."[1] Only six of the twenty-five families remained on the land in 1891.

The most important of the plans discussed by Dr. Johnson was the Crofters' Colonization Scheme of 1888. Nearly $60,000 was advanced, five-sixths by the British Government and the rest from private sources, for the settlement of certain Scots farmers in Manitoba. The management was given, in 1889, to a Board of Commissioners representing the Imperial Government, the Canadian Government, the private subscribers and the land companies offering assistance. Advances varied from $500 to $750. Repayment of capital and interest was to be made in eight instalments, beginning four years after settlement. A mortgage was taken on the land and the chattels on the farms.

A peculiar feature of this settlement is that it was made in two sections, the first of which was a complete success, while the second was a total failure.

The first batch of eighteen families came to the Killarney settlement in Southern Manitoba. The number rose at once to thirty. During the following year the second batch of settlers, forty-nine families in all, was settled at Saltcoats, in Saskatchewan.

The Killarney settlers built their houses and prepared their farms. By working sometimes for hire they secured their upkeep till the crop appeared. When spring came they were so successful that their loans were soon repaid with interest.

The Saltcoats settlers fared altogether differently. They drew lots for the sections in their district, and then refused to take the farms that fell to them. When the timber for the houses came, they refused to haul it from the railway to the farm. When work was offered them at wages, they refused it on the ground that they were farmers. Rather than work they wrote letters to the Scottish press about their troubles. "In every respect the men were a failure, some left their lands almost as soon as they reached them, and only one remained to meet fully the obligations which were due to the Government."[2] The land was sold with difficulty for a sum that covered debts incurred, without including interest.

An attempt was made in 1903, which interested the Dominion Government. Archdeacon Lloyd and the Rev. I. M. Barr secured a number of small plots of land adjoining districts already settled. Nearly 2,000 English people were placed on them. They were mostly townsmen, able to pay their expenses. Some of the settlers were successful and remained, but more than three-quarters of them have deserted. The chief cause of their failure was ignorance among the settlers. Dr. Johnson concludes that this might have been avoided "had a number of successful colonists, with a thorough, practical knowledge of local conditions, been intermixed

[1] Johnson, A History of Emigration, p. 75.
[2] Johnson, A History of Emigration, p. 242.

with the raw settlers, and, secondly, had the colony been situated nearer the recognized lines of communication."

Since then, Sir Thomas Shaughnessy has begun another scheme. The Canadian Pacific Railway has prepared and irrigated farms near Calgary which are offered to settlers who possess $1,000, on condition that all expenses are repaid in ten annual instalments. "The people who have so far availed themselves of the offer are of a class much above the average. They include, amongst others, a veterinary surgeon, a coal merchant, two engineers, a Scotch gardener, with a large family, a retired Indian civil servant, a first mate of the merchant service, a piano tuner, a Norfolk farmer, and a Cambridge M.A."[1] The success of this cannot be determined at present.

Only one other experiment has been brought to the notice of this Commission. Mr. P. P. Farmer,[2] of Jeanette's Creek, Ontario, having failed with a settlement of English families, and again with a careful selection of Canadian families, has established a group of Hungarian farmers, who came without capital, farm on a contract basis, and do not own the land. These men are industrious and thrifty, and have succeeded under conditions generally fatal to the British settler. The secret of their success lay in the fact that they were given terms to which they were accustomed. In Anglo-Saxon countries, farming has been capitalistic so long that the farmer who has no stake in his operations is often irresponsible. Arrangements must be varied for men of different nationalities, and schemes of settlement are unlikely to succeed, whose central principle is unfamiliar to the men themselves.

(3) *The Colonization of Northern Ontario.*

The largest area of land suitable for agriculture which is still held by the Crown, is that known as the Clay Belt. It lies on both sides of the Transcontinental Railway from the east boundary of the Province to a point about fifty miles east of Lake Nipigon. Its length is from 350 to 400 miles, and its width is about 75 miles. The Provincial Department of Lands, Forests and Mines estimates that it contains at least 16,000,000 acres suitable for producing field crops, or for sheep and cattle ranching.

Suggestions have been made from time to time by various bodies in the Province, that the time is ripe for a comprehensive scheme of land settlement. On March 3rd, 1915, the Trades and Labour Council of London, Ontario, adopted the following resolution on the motion of Alderman Max Lerner:—

"Whereas unemployment in the cities of the Dominion has become a national problem;

"And whereas there are many men in the Dominion with ability and experience in farming, who are unable to take up homestead farm lands through lack of sufficient money to tide them over the first year of settlement;

"And whereas thousands of desirable Russian, Italian, Hungarian, Austrian, Roumanian, Bulgarian and other European immigrants of the agricultural class have come to Canada, and because they lack sufficient capital to take up homesteads, are forced to live in the cities, where, dissatisfied with their prospects for the future, they exist in the cheapest possible way, sending all their savings home, returning back when they have accumulated a thousand dollars or more, and these are for the most part a strong and industrious agricultural people, such as are required to develop the uncultivated lands of New Ontario;

"And whereas the termination of hostilities in Europe is bound to be followed by a flood of immigration to this continent;

[1] Johnson, A History of Emigration, p. 247.
[2] See Mr. P. P. Farmer's evidence in Part IV., pp. 225-6 of this Report.

"Therefore be it resolved that taking into consideration the facts recited above, the Premier of the Province of Ontario, the Minister of Agriculture, the Minister of Lands and Mines and other members of the Executive Council of the Provincial Government of Ontario, be asked to give favourable consideration to the advisability of amending the Colonization Act to permit desirable agricultural settlers with little or no money, to take up homestead farm lands in New Ontario, making such financial provision as is required to supply them with their first year's needs in the way of seed, food, implements, stock and dwellings, the sum advanced for this purpose being chargeable against the homestead, but no payment of principal or interest demanded during the three years of the homestead period, repayment to be arranged with reasonable interest, in yearly payments from the fourth to eighth years inclusive."

This has been endorsed by the Board of Trade and the City Council of London, the Trades and Labour Council of Peterborough, the Trades and Labour Council of Hamilton, and the Hamilton City Council.

On May 26th, 1915, the Convention of Mayors, then sitting in Ottawa, drafted a memorial to Sir Robert Borden, in which the same principles of settlement are affirmed.

"That inasmuch as it is the opinion of this body that the final solution of the unemployment conditions in Canada must come through placing the idle agriculturists on the land, to this end we would strongly urge that immediate steps be taken to select suitable agricultural districts throughout the Dominion where conditions are favourable for settlement, settlers to be allotted not more than forty acres each and to receive from the Government by way of a loan sufficient money to purchase stock and such implements as are required, and to assist the settlers until such time as they can become self-supporting, such advances to be a charge against the land and to be repayable in instalments covering a period of years."

With two minor verbal changes, the same resolution was passed by the Union of Canadian Municipalities at its special meeting on July 20th and 21st, at Niagara Falls.

A more detailed proposal, which looks to the settlement on the land of a large proportion of those now serving in the military forces, was adopted at the thirty-first annual Convention of the Trades and Labour Congress of Canada, which met at Vancouver on September 20th, 1915.

"Your Committee has spent much time considering conditions which will immediately follow the declaration of peace and the return to the open market of thousands of soldiers, munition workers and others. We therefore desire to submit a scheme which has for its object the primary one of finding productive employment for discharged soldiers and others; the secondary one of relieving crowded centres to the extent to which it is practicable, and the third, which is eminently desirable, in the shape of the settlement and development of some of our vacant lands.

"Your Committee considers that the present system of homesteading is useless as a solution of unemployment difficulties. To avail himself of it the applicant must have sufficient to maintain himself, purchase implements, etc., and is in most cases further and finally handicapped by complete lack of agricultural knowledge or experience. Temporary sustenance, shelter and tuition must be provided.

"Your Committee recommends that the Government should select such land as may be necessary for the proper carrying out of a scheme which will meet the abnormal conditions which confront the Dominion, which land should not be privately owned, and that the Federal Government be requested to offer as an option to discharge from the army, further enlistment for a period of five years, of such men as would be willing to undertake agricultural work under the direction of qualified experts from experimental farms and agricultural colleges. That such men should receive the regular army pay and allowances, with rations, on same basis. Suitable accommodation to be provided, with quarters for married men with families.

"After such period of enlistment has expired the men who have thus served should have the option of settlement upon suitably sized allotments of the land so improved, the same to be held on leasehold terms from the Dominion Government."

There was a consensus of opinion among the witnesses who discussed this subject with the Commission, in favour of action along these lines.

Dr. Seath insists that agricultural instruction for the adult unemployed cannot be carried on successfully, unless those who receive such instruction are given a prospect of becoming independent farmers. Without this stimulus, interest will be lacking in the men.

Mr. Bryce is in favour of establishing a loan system, whereby the Government can lend selected settlers an amount of capital equal to the sum which they possess. Dr. Bruce Smith is even more definite in his proposals, and would approve the adoption of a policy modelled on that of New Zealand, which is explained in detail in the section following this.

In a memorandum supplied to the Commission by Mr. John King, Vice-Consul for Belgium at Fort William, it is suggested that the Government should lend to settlers $125 in their first season for the clearance of three acres of land; $200 in the second season for the clearance of another five acres; and $250 in each of the third and fourth seasons for the clearance of five more acres in each season. In addition to these advances, the Government should appoint agents, controlling teams of horses and agricultural implements, to help the settlers. The first repayment of advances should be made in the sixth season, at a rate of interest not exceeding 5% per annum. The Government should require that all the land on the homestead be cleared within ten years, and for security, should take a first mortgage on everything possessed by the settler.

Mr. Alexander Snelgrove, of Fort William, who discussed the possibilities of using the labour of enemy aliens, believes that "semi-ready" farms should be prepared by the Government, with advances of seed for the first, and possibly the second crop. He believes that the return of money so spent should be made on a system of deferred payments, like that of New Zealand and Australia.

The Rev. Awdrey Brown would develop the Crown Lands in Northern Ontario by creating a series of villages, each of them having as its nucleus a farm maintained by the Government, which could use much of the produce of the village.

(4) *Policies Adopted in Australasia.*

(*a*) *Australia.* The land problem developed in Australia much earlier than it has done in Ontario. Between 1881 and 1891, while the population of the six capital cities of the Commonwealth increased by 70%, the population outside the capital cities increased only by 27%. As a result, in 1891, more than one-third of all the white inhabitants of Australia were living in Sydney, Melbourne, Brisbane, Adelaide, Perth or Hobart.

In the twenty years that followed 1891, a great mass of land legislation was enacted by every State. It is now possible for intending settlers to secure land on easy terms of payment, borrowing from the Government a large part of their working capital, and even, in New South Wales, their purchase money. Since 1891, the proportion of the population living in the capital cities has increased comparatively slowly. At the census of 1911, it formed 39% of the total for the Commonwealth.

No complete analysis is here attempted of the conditions under which this result has been achieved. There are many kinds of land tenure relating to city holdings, mines and farms, which are difficult to classify. The points that follow have been summarized from the Official Year Book of the Commonwealth of Australia, No. 6, 1913, pp. 265-330, and 416-425.

Free grants of Crown Lands were practically abolished in 1831, though the Land Acts of all the States contain provisions, under which land may be given free for charitable, educational and other specified purposes. Land settlement is effected mainly through sales at auction, conditional purchases of land, leases, and licenses. There are also provisions for "Closer Settlement," which include allotments to workmen and farmers, and the establishment of villages and co-operative communities.

The sale of land at auction or on conditional purchase admits, almost in every case, of payment by instalments. The conditions as a rule include fencing, improvements, and the destruction of vermin. In South Australia, the preference is always given to future residents, and in New South Wales, the terms of purchase, to those who do not propose to live on their land, are double the ordinary rate. New South Wales also guards against the land speculator by providing that farms sold by conditional purchase, to those who do not intend to live upon them, may not exceed one-eighth of the 2,560 acres open to purchase by *bona fide* farmers.

Regulations governing the sale of land at auction in New South Wales and Victoria provide against undue development in periods of trade expansion. In New South Wales the land sold at auction in a single year may not exceed 200,000 acres. In Victoria the corresponding maximum is 100,000 acres. The provision of an "upset" price in these States and in Queensland is a further safeguard.

Statistics of the village communities, founded according to "Closer Settlement" provisions, are not available in all the States where these exist. On June 30th, 1912, those of New South Wales covered 1,795 acres, and had a population, in all, of 186, while the village communities of Victoria, with a cultivated area of 13,725 acres, included 4,963 persons.

A notable feature of Australian development is the high proportion of land, which, in all the States but Tasmania, has been leased or licensed. The tendency, however, as the leases of large areas terminate, is to divide the land for settlement under systems of deferred payment.

The extent to which all the States are fostering land settlement may be seen from the following table, which describes the conditions of 1911:—

	Area in acres.	Per cent. alienated absolutely.	Per cent. in process of alienation.	Per cent. held under lease or license.	Per cent. occupied by the Crown or unoccupied.
New South Wales..	198,054,420	19.50	8.16	62.04	10.30
Victoria.....	56,245,760	42.18	11.31	26.34	20.17
Queensland	429,120,000	3.66	2.10	71.82	22.42
South Australia ...	243,244,800	4.07	0.72	45.67	49.54
West Australia ...	624,588,800	1.15	1.90	27.21	69.74
Tasmania	16,777,600	29.60	7.60	9.05	55.75

All the States have adopted systems of financing settlers by loans from a Government Bank. In Victoria, this is done through a special department of the Government Savings Bank; in the other States, special banks have been established for the purpose. These developments appear to have been inspired by the Credit Foncier of France. Repayments are made in annual or semi-annual instalments, each of which includes a payment on account of interest, and part repayment of the principal. The State of Western Australia, which passed its Agricultural Bank Act in 1894, was the pioneer.

The amount of money which may be advanced under these schemes is, of course, determined by the conditions of farming in each State. Within fixed

minima and *maxima,* loans are made at the discretion of trustees. In Tasmania, whose provisions are perhaps the least ambitious, the maximum which may be loaned is $2,500. The maximum in New South Wales and Victoria is $10,000. The laws of each State allow loans to be used for improvements, and for the discharge of existing liabilities. In New South Wales, farms may be purchased from the Crown with capital borrowed in this way.

The provisions as to the ratio which the value of the farm which is mortgaged must bear to the amount of the loan, vary considerably from State to State. They are based sometimes on the unimproved value of the land and sometimes on the value of improvements which have been effected. It appears that New South Wales, which permits loans to be made at 80% of the value of the security, as determined by the Commissioners of the Government Savings Bank, is the most generous of all.

In the first legislation of this kind, the shortest period allowed for the repayment of principal and interest was that of New South Wales—ten years. The Amendment Act, passed by that State in 1902, increased the period to thirty-one years. The Closer Settlement Act of 1901 allows settlers who borrow under its provisions to make their payments over a period of thirty-eight years.

Repayment in Victoria is made in sixty-three half-yearly instalments. The period is twenty-five years in Queensland, thirty years in Western Australia, and thirty years in Tasmania. In South Australia, repayments are a matter of arrangement between the bank and the borrower.

In Victoria, New South Wales and South Australia, the rate of interest is not fixed by statute, and may be changed from time to time. A fixed rate of 5% has been established in Queensland and Western Australia. The Agricultural Bank of Tasmania charges 6%.

The following table shows the extent to which agricultural credit has been extended up to 1912, and the condition of each system in that year:—

	Total advanced to date.	Profits for the year.	Accumulated profits.
New South Wales	$984,574	$46,443	$123,365
Victoria	14,379,141	14,936	428,296
Queensland	2,094,628	16,148	57,762
South Australia	10,047,637	30,606	248,867
West Australia	9,471,429	39,225	223,341
Tasmania	90,695	394	151
Total for Commonwealth	$45,658,104	$147,752	$1,081,782

(*b*) *New Zealand.* New Zealand has suffered, though less intensely than Australia, from the concentration of its people in the cities. An important cause was the purchase of large estates by men of considerable capital, which at one time compelled those who wished to take up land to settle in districts which lacked roads and were badly served by the railways. This circumstance has given to the land legislation of New Zealand a character which may be found in that of Australia. It is evidently designed to prevent the creation, in future, of very large estates.

The provisions here outlined are taken from the Official Year Book of New Zealand, 1914, pp. 521-534, and 730-738.

In order to make land accessible to the small farmer, the Land for Settlements Act was passed by the Parliament of New Zealand in 1892. This authorized the purchase from private individuals of suitable properties for subdivision into farms. Its provisions were extended in the Land for Settlements Consolidation

Act of 1900, which was itself consolidated with subsequent amending Acts in 1908, and again amended in 1909.

As a result of this legislation, properties have been acquired and divided into small farms. These were originally leased in perpetuity at a 5% rental on an estimated capital value sufficient to cover first cost together with survey, administration and roads if required.

The Act of 1908 substituted for this arrangement a renewable lease of thirty-three years and reduced the rent to 4½% per annum, with provisions for revaluation at the termination of each lease. The Land Laws Amendment Act of 1912 makes it possible for the holders of renewable leases to acquire the freehold of their land. Lessees in perpetuity, under the former Acts, may exchange their leases for renewable leases under the present Act, paying a rental of 4½% upon the capital value of their land at the time of selection, or on the present day value, including the value of improvements.

These Acts are administered by the Board of Land Purchase Commissioners, consisting of a chairman, three other Government officials, and a local lay member.

When a property, suitable for subdivision, is offered to the Government, the Chairman of the Board obtains a report with a valuation of the land, and submits it to the Board. The Board advises the Government as to whether the purchase should be made, and how much should be given for the land. The amount which may be spent annually on such purchases is fixed at £500,000. The Act also provides for the exchange of pastoral Crown lands, situated on high ground, for suitable agricultural lands, situated on low ground.

Where the Board cannot agree with the owner as to the terms on which the land shall be taken, the Government may resort to expropriation. The compensation due to the owner is based on the unimproved value for assessment purposes, with certain specified additions, and on a special valuation of improvements. To the total ascertained in this way, 2% is added as compensation for the compulsory purchase; and the owner of any estate acquired in this way has the option of obtaining from the Government a lease of 400 acres of first class land, or 1,000 of land belonging to the first, second and third classes, without competition, before the estate is opened for public application. When the land is subdivided, the Land Board selects the tenants. Applicants must satisfy the Board that they have the means to stock and cultivate the property and construct suitable buildings. A large number of men of moderate capital have been helped in this way.

The Report of the Board of Land Purchase Commissioners for the year 1913-14 (which is quoted in the Year Book), states that the total expenditure up to March 31, 1914, was $33,758,183. The number of acres purchased was 1,490,367. This area has been leased to 5,529 persons; and 19,398 persons were living at that time on their holdings.

In addition to these provisions, the Land Settlements Finance Act of 1909, which is not unlike the Closer Settlement provisions of the Australian States, enables groups of purchasers to buy freehold property for subdivision among themselves, and to raise the purchase money by means of a loan guaranteed by Government.

Any five or more persons may by agreement form an Incorporated Land Settlement Association, and in its name may purchase any estate of 250 acres or more. The agreement to purchase must include a scheme for subdivision, into allotments of not less than 25, or more than 200 acres. If the land is worth less than $25 per acre, the maximum allotment is increased to 500 acres.

This agreement requires the confirmation of an Order in Council, on the recommendation of the Board of Land Purchase Commissioners. After it has been obtained, the Public Trustee, as agent for the Land Settlement Association, may raise the total purchase money by the issue of debentures guaranteed by Government. When the purchase is complete, the estate is handed over to the Association, which transfers individual allotments to the several purchasers.

Each of these gives a mortgage to the Association, equal to the price of his allotment, together with interest at the rate paid on the debentures, and incidental expenses of administration. The purchase price of an allotment is paid by such instalments as the mortgagor prefers, with a minimum sufficient to discharge his debt in twenty years. These payments are used to meet interest charges on the debentures, and the balance forms a sinking fund for their redemption.

To meet the expenses of administering the Association, each member pays in addition a sum equal to ½% of the sum paid for his allotment. This can also be used, if necessary, to meet future losses by default.

An amending Act of 1910 forbids any person to secure an interest in land acquired in this way, if the unimproved value of such land, together with that of any other land which he may hold, exceeds $12,000.

Under these provisions 266 members of Land Settlement Finance Associations had, up to March 31, 1914, acquired an area of 39,232 acres.

In addition to the provisions for assisting Land Settlement Finance Associations with loans guaranteed by Government, an Advances to Settlers Office was established by an Act of 1894. Its position is now determined by the State Advances Act of 1913, authorizing the borrowing of moneys for the purpose of lending to settlers, workers and local authorities. Of these three classes of borrowers, only the first calls for consideration here. The sum which may be borrowed in each year for advances to settlers alone, is $7,300,000.

The fund is administered by a superintendent and an advisory board. The classification of securities, and the granting of advances, are determined solely by this board, whose decisions are binding on the superintendent. Money is advanced to settlers on first mortgage of lands and improvements, held under eighteen classes of tenure, free from all encumbrances, liens, and interests other than leasehold interests.

All applications for advances must be accompanied by a valuation fee, which is graduated according to the amount of the advance. The securities offered are valued by officials of the Valuation Department. Applicants offering securities which are obviously not eligible are repaid their valuation fee.

When advances are required for the construction of buildings, the sum which is borrowed may be paid in one sum by the board, when the building is completed; or if the applicant prefers, it may be advanced in "progress payments" from time to time during the construction of the building. In this case, an inspection and report must be made by an officer of the Valuation Department, before each payment can be made. For each inspection a fee, graduated according to the size of the loan, must be paid by the applicant. The Department requires not less than three inspections, and, in the case of other than farm properties, insists that the fencing be completed before the full amount of the loan is advanced.

Loans are granted only on the instalment system, which is practically the same in New Zealand as in Australia. On all freeholds an amount may be advanced equal to three-fifths of the value of the security; on first class agricultural freeholds, advances equal to two-thirds of the value may be made. In the case of

leaseholds, advances must not exceed three-fifths of the value of the lessees' interest in the lease.

No loan of less than $25 or more than $2,000 can be granted. Applicants for loans not exceeding $2,500 have a prior claim. Applicants may receive more than one loan, if the sum advanced does not exceed $10,000 in all. The cost of perusing titles, preparing and registering the mortgage, with incidental cash disbursements, is deducted from the amount of the advance. This amounts, as a rule, to about 1% of the sum so borrowed.

The detailed charges follow:—

Mortgages under the Land Transfer Act, 1908.

Law costs of perusing title, preparing and registering mortgage (to be deducted from the advance):—

	£	s.	d.
If advance be not exceeding £250	0	7	6
Exceeding £250 but not exceeding £500	0	10	0
Exceeding £500 but not exceeding £750	0	15	0
Exceeding £750 but not exceeding £1,000	1	1	0
Exceeding £1,000 but not exceeding £1,500	1	6	0
Exceeding £1,500 but not exceeding £2,000	1	11	6

With cash disbursements which are the same in every case, namely:—

	£	s.	d.
Search fee (with an additional 2s. for every certificate of title after the first)	0	2	0
Registration (with an additional 2s. for every certificate of title after the first)	0	10	0

Mortgages under the Deeds Registration Act, 1908.

Law costs of perusing title, preparing and registering mortgage (to be deducted from the advance):—

	£	s.	d.
If advance be not exceeding £150	0	18	0
Exceeding £150 but not exceeding £250	1	0	6
Exceeding £250 but not exceeding £500	1	5	0
Exceeding £500 but not exceeding £750	1	13	0
Exceeding £750 but not exceeding £1,000	2	3	0
Exceeding £1,000 but not exceeding £1,500	2	13	0
Exceeding £1,500 but not exceeding £2,000	3	13	0

With cash disbursements:—	£	s.	d.
Fee chargeable by solicitor not residing in registration centre for employing agent to register mortgage	0	5	0
Fee for partial or total discharge of mortgage	0	5	0
Fee for execution of consent by the Superintendent of any document	0	5	0
Fee for production of title-deeds held by the Superintendent	0	5	0

On securities classified by the board as first class, repayments are made over a term of thirty-six and one-half years; on those classified as second class, the term is thirty years; and on those which are rated as third class, the term is twenty years.

Payments of principal and interest are made half-yearly, with provisions for repayment in full at any time, should the mortgagor prefer it. The rate of interest is 5%, reducible to 4½%, provided payment is made within fourteen days after an

instalment falls due, and no previous payments are outstanding. This involves a payment in each half year except the last, of $3.00 for every hundred dollars borrowed. The payment for the last half year is $1.70 per hundred dollars borrowed.

Besides possessing the right of repayment in full at any time, the mortgagor has three alternatives, should he desire to shorten or lengthen the term of his liabilities.

(*a*) He may make additional deposits in sums of $25 or a multiple thereof, to be applied to the discharge of future payments, as each instalment falls due, till the deposit is exhausted.

(*b*) He may make deposits of $25 or a multiple thereof in payment of as many future half-yearly instalments of principal, but not of interest, as the sum deposited will cover. In this case the corresponding interest is not charged, and while the payment of instalments is continuous, until the debt is extinguished, it is discharged in full within a less period than that originally fixed.

(*c*) After at least one-tenth of his loan has been repaid, the mortgagor may, with the consent of the superintendent, re-adjust the balance still unpaid and treat it as a fresh loan, granted at that time under the same conditions of repayment as exacted under his previous arrangement.

Mortgagors may pay their instalments and interest to the credit of the superintendent at any money-order office, free of all costs, for remitting the money to Wellington. Loans may be repaid in part or in full, and advances may be made through the post office.

The number of loans which had been authorized up to March 31st, 1914, was 41,420, amounting in all to $74,693,065. The amount of loans to settlers outstanding on March 31st, 1914, was $37,622,102; on March 31st, 1915,[1] it was $38,885,304. Net profits of the Advances to Settlers Office were, in the financial year 1913-14, $398,551, and in the financial year 1914-15, $279,517. The average value of the advances is about $2,000.

[1]The figures for the financial year 1914-15 are taken from the Weekly Bulletin of the Department of Trade and Commerce, Ottawa, dated October 11th, 1915.

PART III.

STUDIES OF REPRESENTATIVE WOMEN'S EMPLOYMENTS.

PART III.

CHAPTER I.

THE HOUSE WORKER.

Unemployment.

There has been no unemployment, and what is more noteworthy, wages have not been reduced for house workers since the beginning of the present depression in Canada. In August, 1914, the wages of domestics were cut in a few instances. But the domestic employee invariably protested, and since the market for house workers showed that a competent servant could easily obtain a position at wages equal to the rate before the war, any reduction put in force has been cancelled.

State of Employment Market—Supply and Demand.

Few employment agencies for house workers keep statistics. In reply to a question, they merely state that more employers ask for house workers than can be supplied. At the Toronto Women's Patriotic League, Sherbourne Street, where a general employment bureau for women workers was established shortly after the beginning of the war, the following table has been compiled:

1915	Employers' Applications.		Positions Filled.	
	Toronto.	Out-of-town.	Toronto.	Out-of-town.
January	241	.....	190	.....
February	241	.....	59	.....
March	290	.....	47	.....
April	280	.....	37	.....
May	242	34	26	9
June	170	66	27	27
July	146	84	31	55
August	272	58	32	18
September	307	73	49	26
	2,189	315	498	135

Total number of employers' applications, January 1st, 1915, to September 30th, 1915—2,504.

Total number of positions filled—633.

Number of women registered for house workers' positions, January 1st, 1915, to September 30th, 1915, in town—487. Out-of-town—294. Total, 781.

Out of 480 house workers who registered at the employment bureau of the Toronto Women's Patriotic League from September, 1914, to March, 1915, 154, or 32 per cent., were classed as unskilled. It is reported at this bureau that even poorly trained women and girls can get good wages as domestics.

Number Engaged in Employment.

Returns on occupations in Ontario from the Office of the Census in Ottawa give the number of female servants in Ontario as 30,962; this return is for 1911. The number in Ontario now, judging from other enquiries, is likely to be between 40,000 and 50,000.

Training.

There is no systematic training for girls who wish to enter domestic employment. A number of well-trained house workers have been taught in good homes, trained in the United Kingdom, or trained by women employers in Canada who can spare the time and are willing to take the trouble to teach a domestic who does not know her work. Classes in domestic science in a number of the public schools undoubtedly do good work, and are a help in teaching girls some knowledge of cooking and household management, but these classes are not sufficiently advanced to teach house workers. There is, therefore, no adequate system of training for domestics in Ontario. As a consequence of this fact, and owing to other circumstances, an untrained, incompetent maid can command wages almost as high as those paid a competent worker. She may not remain in a position as long as the competent domestic, but she can always find a new position at good wages. A domestic who knows little about her work, and is of comparatively small assistance about the house, can secure from $18 to $20 a month, since if she is discharged her employer believes that it will be difficult to get a more competent worker.

There are, however, a large number of competent domestics who do as good work as any other class of women in the Province, and who contribute as much to the comfort, health and well-being of the community as the members of any other employment. Domestic work stands high as a good occupation in its possible effect on the community's standards of living.

Organization and Standardization.

Domestic employment is not organized. The only standardization is with regard to wages, but even in this there are remarkable variations. There are no employers' or employees' associations. Hours, work, time off, to some extent wages, and rooming accommodation, are all left to individual agreement. No women employers' association has arranged for the training of house workers. Unlike members of several other women's employments, the members of this employment have not organized to conduct an employment bureau of their own. Disorganization in this employment is reflected in various reports from different social points of view. In the report from the Toronto Women's Patriotic League Employment Bureau, it is noted that eight noticeably feeble-minded women applied for work as domestics. Out of 32 women in Toronto Gaol, August 3rd, 1915, 20 were returned as being domestics. A woman who is unable to engage in any other occupation apparently is able to describe herself as a domestic. The fact shows how acutely training and organization are required.

Present Employment Offices.

These are partly philanthropic, as the Young Women's Christian Association Employment Bureau, and at present the employment Bureaux conducted by Women's Patriotic Leagues: some churches also engage to a greater or lesser extent in placing domestics in positions. The Ontario Government gives a grant to Welcome

Hostels where domestics who come to Canada on assisted passages through Government help are received on their arrival in Ontario. These Hostels act also as Employment Bureaux. Most of the employment offices for domestics, however, are commercial, are not inspected, and are not under Government regulation, with the exception of employment offices handling immigrants, which are inspected by the Dominion Government.

Grants made by the Ontario Government from 1910 to 1914, for welcome hostels, welcome leagues and several other agencies assisting immigrant women house workers, amounted to over $13,000. A high percentage is returned to the Government of moneys advanced for assisted passages in the case of both house workers and farm labourers. For 1910-11, this amounted to 80 per cent.; for 1911-12, 90 per cent.; for 1912-13, 92 per cent.; and 1913-14, 83 per cent. In addition, repayment on assisted passages advanced by the Ontario Government through the Salvation Army amounted in 1910-11 to 76 per cent.; 1911-12, 90 per cent.; 1912-13, 94 per cent.

Advantages and Disadvantages of House Workers' Employment.

The advantages are: good wages; practical certainty of steady employment if the worker is at all competent; a permanent position in a number of cases, if the worker chooses to remain in one place; and training in home-making occupations. House work is considered a more healthful occupation for women than factory work, salesmanship or even office work. Physicians, however, report frequent ill-health, due, apparently, to loneliness and want of open air exercise. It is also said that the health of the house worker suffers because she is not allowed time free from interruptions for her meals.

The disadvantages of the occupation are: poor rooming accommodation; no room in which to receive friends; long hours and not being able to count on fixed time off; sometimes unkind treatment; loneliness and social disadvantage. One of the disadvantages referred to by the girls themselves is not being able to live at home. With regard to the disadvantage of frequent changes made in time off, the teacher of a large women's Bible Class, whose members are almost all house workers, reports that none of these girls can promise to be present any Sunday afternoon, since they may be required to be on duty. The teacher and the class have tea together in the church basement and attend the evening service as a company. Girls whose turn it is to prepare the tea cannot promise to be present, and frequently are unable to come.

Employers have not seemed to recognize that extra domestic help can be secured for the payment of a small sum of money, and that the presence of this extra help will ensure the house worker definite hours of leisure. A large number of women who are competent to cook dinner, care for the house in the evening, and who can do other work of a like character, would be glad to secure this extra employment.

Development of Employment.

The greatest advance possible in the future for this occupation is to make it a skilled trade, with trained workers holding certificates. The domestic employment, even with its present disadvantages, is one of the best occupations for women. Only widespread national disaster is likely to bring unemployment, since the comfort of the home is the last sacrifice to be made. With its disadvantages removed,

domestic employment will offer work with good conditions and fair pay to a larger number of women than at present. At the same time the Government Employment Offices will be able to keep statistics which will indicate whether the occupation is likely to become overcrowded. A considerable measure of training can be provided by the Government, but it is to employers mainly that the public must look for this improvement. An association of women employers would greatly assist in developing training for this occupation and could undertake the work of its standardization. In the same way, associations of house workers could do valuable work in providing recreation and companionship for their members, could help to secure positions for house workers and improve conditions of employment.

Nationality.

An ever-increasing percentage of the members of this occupation is from the United Kingdom; small percentages are Canadian and foreign born. In the absence of statistics, it is impossible to indicate these percentages with any definiteness.

Effort to Improve Employment.

A committee of the University Women's Club of Toronto, acting in co-operation with Principal McKay of the Toronto Technical School, arranged in the winter of 1915 a course of instruction for house workers. Twenty-three employers were found who were willing to allow their domestics time off in which to attend classes at the Technical School. The time off amounted to three afternoons and two evenings a week, when classes were held in cooking, household work, sewing and the care of children. The employer also paid a fee of two dollars, intended to cover the cost of the food used in cooking.

Satisfactory arrangements were finally made with thirteen young women who wanted training as house workers. Among these were 2 dress-makers, 2 stenographers, 3 who had been assisting in their own homes, 1 factory worker and 1 assistant nurse. The wages paid these domestics while in training varied from $6.00 to $15.00 per month. The ages of the applicants were from 18 to 30 years. Of the total number applying 21 were Canadian, 5 Scotch, 4 English and 1 Icelandic. The plan, on the whole, worked out with success, and letters from the Principal were given to the young women who completed the three months' course of training. The large number of Canadians applying and the fact that the applicants were attractive and refined in appearance indicate that such training and the standing it would afford would do much to improve the employment and to induce a larger number of women to engage in it.

Recommendations.

Your Commissioners recommend that the Government should pass legislation to secure:

Training for House Workers. (*a*) Training schools to be established in connection with existing Welcome Hostels for immigrant women intending to be house workers and certificates granted to competent workers. (*b*) Training classes (with certificates to graduates) to be established in connection with technical schools and in other schools where such arrangements are possible. (*c*) Part-time courses of training, with certificates, to be arranged for house workers in positions. (*d*) The Provincial Employment Bureau to co-operate with these training schools and classes.

Other recommendations of a general character which affect this employment will be found in Part I, pages 63, 71 and 72.

CHAPTER II.

THE FACTORY WORKER.

Unemployment.

There was a decline of 8.1 per cent., or of 4,759 workers, among women factory operatives in Ontario in 1914 as compared with 1913. Seasonal unemployment also exists to a considerable extent among factory workers in Ontario. One firm, to take a single example, employed 174 operatives in February, 1912; 15 in July, 1914; and 113 in December, 1914. The depression has been felt seriously also by factory workers in short time; there has been, as well, a considerable reduction in the rate of payment for piece-workers. This reduction varied from 10 to 30 per cent., although the 30 per cent. reduction is said to apply only in a few cases.

Possibly in no other women's employment is it so difficult to arrive at the amount of real unemployment as in the case of the factory worker. Judging by advertisements, placards outside factories, and personal enquiry, a number of manufacturers are unable to find all the operatives they need. In other lines experienced workers cannot obtain positions, as, for instance, in the manufacture of men's clothing. No factory has been found where the management would engage other than experienced operatives; inexperienced applicants are not considered at the present time. The burden of training the operative and the time of employment which elapses before the operative acquires experience and skill has been divided in the past between the manufacturer and the operative. This method has not been altogether satisfactory; operatives once trained in many cases do not remain where they have received their training. Manufacturers in the present time of depression, as far as can be judged, are not willing to contribute to the expense of training inexperienced operatives. It would seem that in good times, the present system of training does not contribute to unemployment, since the manufacturer wants all the workers, experienced and inexperienced, that he can secure. In hard times, however, the method by which the factory worker is trained, apparently, does contribute to unemployment.

But the factory worker, although she may have lost her employment in a factory, is not necessarily out of work. Some have found employment as domestics, in cases where they have some knowledge of domestic work, and are willing to undertake it. A number have gone to their homes in the country or city, where they are certainly not idle, and are probably earning more than their board and lodging, although they may not be receiving any money payment. Factory employment is better in the autumn of 1915 than it was at the same time in 1914. It remains true, however, that there was loss of employment among women factory workers, that there is still unemployment among some factory workers, and that the suffering and privation have been considerable. Unemployment for women is somewhat different in its character from unemployment for men. When a bricklayer is out of work, he has rarely any other employment by which he can earn a living. A woman, if she has domestic training, can readily find work in a household. Or she may have a home where her contribution in work is valuable and desirable. At least, many women, when out of their usual trained employment, are able to tide over for a while, since work in a home is one of the primary employments for women, and out of all reckoning the largest women's employment.

There are, however, thousands of women factory workers in Ontario; and it is practically certain, not only that there always will be thousands, but that the number will increase. Whenever business depression throws women factory workers out of employment there will be loss and suffering, not only to those unemployed but through them to the community, which is only mitigated, and not prevented, by the fact that domestic employment is, generally speaking, open to women. The statement is made by manufacturers, factory inspectors, and others familiar with the work of factories, that any experienced, skilful woman operative is certain of employment at all times. This statement can apply only to our present Canadian experience, in which the demand for workers has exceeded the supply. Miss Josephine McKenna, in her able study of the whitewear industry,[1] describes the position of the experienced factory worker with regard to steadiness of employment as follows: "The dependence of the manufacturer upon his help varies according to the skill required of the worker, and the time necessary to acquire this skill. In section work factories, the degree of this dependence hangs upon the supply of unskilled help. This is usually plentiful and the policy of the manufacturer with regard to irregularity of work is influenced more by the consideration of machinery standing idle than of the idle time of the operators. For the latter can be secured at almost any time and can be trained in a few weeks—but machinery unused is an ever increasing expense. Where, however, a factory of Class 3 aims at a high quality of work, consideration of the workers *per se* has a larger share in the policy of the factory, and secures high wages, less seasonal fluctuations of work, and a greater degree of permanence among the employees. In factories of Class 1, the manufacturer often finds work for the employees, rather than let them go and find himself without a capable body of workers when the busy season comes. This necessity more than balances the influence of the more seasonal character of the product."

It may be said that the woman factory operative has less power to ensure herself of employment by becoming experienced, skilful and capable than women engaged in many other women's employments. This fact would seem to indicate a greater need for the study and statistical analysis of factory employment.

In seasonal unemployment also, the women factory operative is not necessarily out of work during slack periods. Seasonal employment is convenient to many women, at least in a financial way. Whether or not it is beneficent in other ways is a question which society has not yet collected sufficient information to answer accurately. Women who pick fruit, workers in canning factories, the seasonal employees of Christmas trade are, generally speaking, women whose other occupations allow them to earn money during short periods of paid employment. The young milliner calculates on seasonal employment, and is able to tide over the slack season at home, or in some other occupation. It is true, however, that there are many harmful characteristics in seasonal employment; and that the seasonal worker is not at an advantage as compared with regular wage-earners. There is a certain amount of interchange between women's seasonal employments. The woman factory operative often becomes a waitress in a summer hotel, and women teachers are sometimes engaged in picking fruit in summer.

There exists among factory operatives a floating population who have not acquired skill or who have not had the opportunity to acquire it. These operatives lose employment readily, and are always thrown out of work in slack seasons and times of depression. They change from one factory to another and steadily lose the ability to become good workers. This class of women operatives accounts for a good deal of unemployment. Miss McKenna[1] in her description of the irrespons-

[1] "The Whitewear Industry in Toronto," by Josephine B. McKenna, B.A., MacKenzie Fellow in Political Science, University of Toronto Studies, 1916 (Forthcoming).

ible factory worker has made definite what has been spoken of as a danger by employers and others.

"One section is, however, excluded from the approval of the majority of this class, namely, that floating factory population which exhibits the worst features of unrest among workers on mechanical work—those who learn no trade, but drift from one to another, staying at each a few months. Taking no interest in the work, they show a disrespect for property and material with which they bring disrespect on the factory girl as a class. The proportion of the floating population increases with the size of the factory and with the subdivision of the work; nevertheless, the division on social lines between those earning $6 and $8 and those earning less, is vague, and any feeling of division arises rather from the feeling of older employees for apprentices or migrants than from any other cause. The small number averaging $8.50 and over put their standard of living on a level with those of Class 1, and in individual cases they equal, or even surpass this standard, but aside from matters of personal comfort, such as dress, eating, laundry, they are, on the whole, inferior in culture to Class 1. This is natural, because their position is less stable; they may at any time be replaced by a younger girl, who may be trained satisfactorily in a few months, at the utmost. The general ignorance of trade conditions is still more marked among those working in factories of Class 3 than Class 1, and their ignorance of each other and degree of aloofness is more marked among that class who are subsidized from home, but it tends to be broken down among those who must support themselves from this industry and cannot draw on the resources provided by the industry of fathers or brothers. The great instability of this class of workers is shown by the following statistics: In 1912, a number of the largest firms in sewing trade, chiefly under sectional systems, hired 15,000 employees; in the last six months of 1913, and first six months of 1914, 11,000 were employed; in last six months of 1914 and first six months of 1915, only 1,000 were hired. Of the 11,000 hired in 1913-14, one-third stayed a year or more, two-thirds changed within the year. This fact is borne out by the frequency of the expression in the economic experience of factory girls—'then it got slack, and then I went to another factory.' The chief elements of this instability are: (1) seasonal fluctuations of work; (2) character of the work, namely, its lack of development and failure to offer a consecutive progress in the knowledge of the trade and opportunity in it—the cleavage between sectional and individual operating; (3) short apprenticeship, which is the necessary result of this last."

With regard to fluctuation in employment, the following maximum and minimum figures, representing the number of women operatives in 1912, 1913 and 1914, are taken from businesses in three different industries:

——	1912	1913	1914
Firm No. 1.....	81–154	120–167	85–127
Firm No. 2.....	246–255	230–276	236–279
Firm No. 3.....	39– 52	31– 57	18– 29

Number engaged in Employment and Nationality.

According to the estimate prepared by The Ontario Commission on Unemployment from returns sent in response to the Commission's letter of enquiry by 651 manufacturers, in 1913 there were 58,488 women factory operatives in Ontario, and in 1914, 53,729.

A large number of the women operatives are native Canadians; a certain proportion are from the United Kingdom; and an increasing number of Jewish workers is noted, especially in lines of clothing manufacture.

State of Employment Market—Supply and Demand.

There has been in the past an ever-increasing demand for women factory operatives in Ontario. Generally speaking, manufacturers in their busy season have not been able to get as many operatives as they needed. This shortage appears to exist even at present in some lines of manufacture. Untrained applicants, however, are finding much difficulty in obtaining an opportunity to work. It seems certain that there will always be a strong demand for women factory operatives in Ontario; and that there will be a corresponding difficulty for manufacturers to engage the class of worker and the supply they need. Since these conditions have existed, and are likely to exist, it is in the interest of manufacturers and the community to consider the supply of women factory workers, their training, and the effect of seasonal trade on factory employment for women.

Training.

Enquiry has shown that in some cases the manufacturer apparently prefers to train his own help. A number of manufacturers are decided in their expression of opinion with regard to the advantage of training workers in their own methods. These prefer to take entirely inexperienced workers, saying that it is more trouble to have operatives unlearn what they have learned than to begin with an untrained applicant. In other cases, the clothing industry, for example, the experienced worker is preferred. That is, the manufacturer prefers to have the workers trained in some other factory. It has been stated in one line of industry that it takes an operative three weeks to carry herself, that is, before she begins to earn what she is paid. This statement, of course, applies only to particular industries where a weekly wage is paid.

In response to enquiry as to what school training would be of help to the woman operative in factory employment, the only answer received was that a knowledge of power machinery in clothing trades would be valuable.

Only extensive and prolonged study by a permanent authority can arrive at the facts with regard to the training of factory operatives. By means of this study conclusions could be come to as to how this training or the want of it, affects the operative's steady employment. The complex nature of the problem is indicated by the variety of manufacturing operations in Ontario in which women operatives are engaged. A partial list of industries which employ women follows:

Drugs and chemicals; dyers, bleachers and cleaners; match makers; paint and color makers; powder and explosives; soap and candle makers; pottery, glass and china; button makers; clothing factory (men's); clothing factory (women's); feather and flower makers; felt makers; furriers; laundresses; hat, cap and glove makers; hosiery and knitted goods; shirt, collar and cuff makers; tailors; white-wear makers; biscuit and confectionery makers; canners and curers (fish); canners and curers (meat); canners (fruit and vegetables); milk and cream products; tobacco and cigars; vinegar and pickle makers; various food products; gold and silver-smiths; watch, clock and jewelry makers; fancy goods and notions; bolt, nut and screw factory; boot and shoe factory; other leather goods makers; rubber clothing and shoe makers; paper box and bag makers; pulp and paper makers; stationery

makers; bag and sack makers; carpets and rugs; cordage and twine; cotton mills; woollen mills; various textiles; basket, broom and brush makers; mattress and hammock makers; mica workers; printers and engravers; box and fruit basket makers. (From a list compiled by the Census Office, Ottawa.)

Organization and Standardization.

The standardization of hours and general working conditions has been well developed in Ontario factories, largely through Government regulation. The employers are well-organized; but the employees have organized only to an unimportant extent. Standardization and regularization of piece-work payments and shortening of the working day are generally the aims stated in the constitution of women's unions. The social consciousness and sense of solidarity of women factory workers have not been developed into useful organizations which will aid in securing companionship, self-improvement, and betterment of training and working conditions, as it is hoped may happen in the future.

Present Employment Offices.

Women factory operatives find employment, not through employment offices, but by means of advertisements, placards, through friends, other workers, family connections, personal application from factory to factory, and so on. There is no employment agency which acts in the interest of the factory operative; and there is practically no well-informed authority on present or future prospects of factory employment. No girl intending to become a factory operative can go to anyone who is able to tell her what the facts are with regard to factory employment, its advantages, disadvantages, what she can earn, how long she can continue in employment, what prospects there are for steady employment and advancement, what she can do to improve herself as a worker, or other information essential to her success in factory employment.

The employment departments of factories are various in character. In a very few of these the worker is carefully examined and estimated before being engaged as an employee; during the employee's term of service a careful watch is kept of progress, earning capacity, and so on, and an effort is made both to instruct the worker and to move any employee who may be unsuccessful at one line of work to another department where she may become more successful. Such employment departments are few. But the impression gained in this investigation is that they amply repay the time and expense of management. The field of employment departments in improving the output of industry and the standing, capacity, and steady employment of the worker is believed to be of great importance.

Advantages, Disadvantages and Possibilities of Employment.

Enquiries addressed to several experts have brought replies which contain the following information on factory employment: A woman factory operative needs to be fairly strong physically. The employment does not interfere with her health, if she is herself sensible, and if conditions are good in the factory. Any girl with average ability is said to be able to earn good wages on piece-work. It is not shown, however, that this statement applies to every industry and every factory. The unusually ambitious factory operative on piece-work is subject to over-strain if she tries hard for a big pay envelope. About sixty per cent. of factory operatives live at home in the judgment of one expert; another authority

says that three-quarters live at home. Opportunities for social life and recreation are as good as those of the average business girl. When the operative lives at home, opportunities for social life and recreation are said to be good; but if the operative is boarding, opportunities are not good. The social standing of the factory operative has been steadily rising in the opinion of one expert, and is now fully on a level with that of a saleswoman. Another statement is to the effect that while the factory worker may not be regarded as having the standing of the saleswoman, in the experience of one industrial establishment, some of the "finest and most intelligent people" are employed in the factory. Asked as to whether having worked in a factory is any help to the employee when she afterwards marries, one employer replied that "regularity, punctuality, and knowledge of sewing gained while in a factory should help to make any girl a more competent home-maker." The length of service possible depends on the individual woman; "a good, smart, active, businesslike woman can always command work;" the question asked was: "Can a woman continue in factory work, or get a new position, after she is forty or fifty?" The enquiry has shown that while a number of factory women workers marry, a considerable proportion of those employed remain in factory work unmarried until middle life. The advancement possible to a worker in a clothing factory includes the possibility of becoming a designer if she has artistic ability; otherwise the factory operative may become head of a section and have charge of help and control of work; or she may become an efficient operative, a position which will always pay wages above the average. The factory operative has all public holidays and two weeks in summer, without pay, according to one expert. "Two weeks' holidays is usual, but without pay except for forewomen," is another statement with regard to holidays. Practically all factory workers are said to be dependent on their work for their living; and the great majority help to support the family home. One expert says that a good many factory workers are indifferent to their work; on the other hand, the statement is made of piece-workers that they have to concentrate in order to make their pay and cannot be indifferent. The majority of operatives are said to acquire skill at a trade which ensures their employment. Domestic knowledge is of benefit to the factory operative, both when she marries, and while she is an employee, on account of the advantage such knowledge is for health. A good many factory girls are said to save. In one instance, the firm maintains a savings department where a good rate of interest is paid; the employee can elect to have a certain percentage taken from her pay envelope and deposited in this savings department without any further trouble to herself. Fifteen, sixteen and eighteen are given as the best ages for a girl to enter factory work. There is universal testimony to the fact that the average boy or girl under sixteen years of age when looking for work is satisfied to take any kind of position, regardless of individual aptitude, in order to get started with some kind of wage—"as long as they get a pay envelope." The remedy urged for this is vocational guidance in schools, and a greater interest on the part of parents in the employment of their children. Mothers from the United Kingdom sometimes accompany their daughters when they apply for work, but Canadian mothers, it is said, practically never come.

Attention is directed to the fact that the majority of girls leave school and go to work at fourteen. They receive no advice or guidance as to the choice of work from school authorities, unless in the case of an exceptionally interested teacher. Their parents, in many cases, unfortunately, seem also not to direct their choice of work. Unless the child by good fortune enters some occupation where she will acquire skill and training, it is unlikely that she will be steadily employed in her

future as a worker. By the time she is fourteen, it is only in rare cases that a girl has had sufficient domestic training, at home or at school, to give her knowledge necessary for health or home-making. Of the 108 factory girls who applied for work at the Toronto Women's Patriotic League up to March, 1915, 57 were under twenty and of these 40 were foreign girls; the whole 108 were classed as unskilled factory workers.

Enquiry has made it evident that the employment of young girls in factory work is more or less precarious under present conditions of training; and that some degree of unemployment results from the tendency of the young unskilled worker to drift into the floating factory population described by one expert on factory employment as "the travelling or moving class."

Recommendations.

Your Commissioners recommend that the Provincial Labour Commission undertake the following work:

1. An enquiry into seasonal employments.

2. A study of factory employment with a view to learning how far the training obtained from work in factories gives skill that ensures employment, along with other conclusions as to the desirability of factory employments for women; an enquiry to be made as to what special training for factory workers can be provided in schools.

3. To co-operate with the employment departments of factories for the purpose of improving employment methods.

4. To require factories to furnish statistics regarding number of employees and such other matters as may be considered desirable by the Commission.

Other Recommendations of a general character which affect this employment will be found in Part I, p. 71.

CHAPTER III.

THE SALESWOMAN.

Unemployment.

No statistics are available as to the number of saleswomen out of employment during the winter of 1914-15. The Employment Bureau of the Toronto Women's Patriotic League registered 32 saleswomen out of work, 24 of whom were classed as skilled. In reply to direct enquiry at stores, it is said that not as many girls are looking for positions as saleswomen in the autumn of 1915 as there were in 1914. But answering a question as to whether the number looking for work in 1914-1915 was larger than in 1913, the reply was in the negative. It is probably safe to say that there was not as much unemployment among saleswomen as among factory workers. That there was some degree of unemployment is certain. The whole enquiry into the employment of saleswomen is complicated by the fact that the average employee stays in one position for only a short period of time. One firm has made a calculation, based on actual statistics, that over 70 per cent. of those in their employ stay less than a year. Even if this percentage is reduced by taking away the extra help employed at Christmas, the percentage of employees staying less than a year is over 50. The percentage of factory workers who stay in one position less than a year is considerable, but not as considerable, apparently, as among saleswomen. This rapid change in the personnel of the working staff cannot but be a menace to any employment. But on the other hand, there is comparatively little seasonal unemployment in salesmanship. The organization of most well-managed stores tends to steady employment. Store managers say that there is little seasonal unemployment among the regular staff. Extra workers at Christmas are not employed in the store the rest of the year, as far as can be ascertained. But as has been pointed out in the study on The Factory Worker, women in strictly seasonal work are generally speaking those whose other occupations allow them to take short seasons of paid employment.

Number Engaged in Employment, and Nationality.

Judging from statistics furnished by the Census Department at Ottawa, this employment in Ontario engages in the neighbourhood of 12,000 women and girls. A survey of the occupation in Toronto, however, leads one to say that there are probably between five and six thousand saleswomen in Toronto alone.

Within the last seven or eight years, there has been a great increase in the number of young women in stores, who have come to Canada from the United Kingdom; previously the employment was largely in the hands of Canadian girls. There are few saleswomen of foreign extraction in Ontario. The statement has been made by one well-informed authority that the rapid change from one position to another began about the same time as the influx of workers from the Old Country.

State of Employment Market—Supply and Demand.

There is a steady demand for saleswomen. The occupation calls at present for a considerable number of women and is likely to continue to be a large employment. In quantity, the demand is well supplied. If anything, there ap-

pears to be an over-supply of new workers. One has not at any time heard it said by store managers that there was a shortage in the supply of saleswomen. This statement is somewhat frequently made with regard to factory workers. The explanation for the difference in the supply of workers in the two employments may lie partly in the fact that factory work is seasonal. In his busy season, the manaufacturer has to look for the body of workers whom he may have laid off in the last slack season, while employment in stores is only slightly seasonal; steady employment undoubtedly contributes to the steady supply of workers.

Training.

Experience is the principal way in which training is acquired in salesmanship. It is somewhat haphazard training and the employee is largely dependent on her own ability and conscientiousness. Schools for saleswomen have been organized successfully in the United States. One establishment at least in Ontario has begun a school of instruction in salesmanship in its own store. The management say that the school pays the employer and the employee, in increased sales and larger pay envelopes. The statement has been made frequently to the investigator that the occupation as a trained employment has a bright future, that training is desirable, and that if technical schools would provide such training the advantage to the employment would be great. There can be no doubt that the employment of salesmen and women is one rising steadily in standing, and that no one other contribution of as great value as training can be made to this employment. It would overcome many disabilities, such as lack of efficiency and indifference on the part of some employees who never have had the opportunity to learn how much skill is required in the occupation.

Organization and Standardization.

Hours and wages in this employment are fairly well standardized. The hours in the larger stores are from 8 or 8.30 to 5 or 5.30. These hours do not apply to small stores nor to stores in the residential parts of towns and cities, which keep open in the evenings.

Effective organization of employees apparently has been difficult to establish. The investigator has learned of a little club among the parcel girls in one store, begun through the good-will of one of the heads of departments in the store, which has evidently resulted in much good to the girls who have profited in education, interest, training and comradeship. What has been said in other studies as to the advantage of organizations among business and professional women applies also to the saleswoman. Clubs or societies are an effective means of providing opportunities for improvement in training, thrift, health, education, and recreation.

Present Employment Offices.

As in the case of the factory worker, the saleswoman has no employment bureau by means of which she can obtain a situation. Nor is there any authority, philanthropic or other, to whom she can go for advice in her employment. Experts consulted in this employment are more emphatic than authorities in any other woman's employment as to the necessity for vocational guidance and train-

ing. They speak of frequent examples of misfits, and of a certain amount of indifference and carelessness which seriously interfere with the worker's steady employment and her prospects of advancement.

Situations are obtained through personal application at stores, occasionally through advertisements in newspapers, and sometimes through the recommendation of friends or relatives who have some connection with the place of employment. There is no way by which intending workers can find out whether or not there are vacant positions or prospects of employment as saleswomen, except through personal application at the store. In the case of large stores there is a constant stream of applicants who come into the employment department and either get work or leave name and address in the hope of being called on later.

Advantages and Disadvantages of Employment.

The best age for a young woman to enter this employment is from 18 to 22. There are in stores besides saleswomen, other younger girls in such positions as messenger girls, parcel girls and cashiers. In many cases, those in charge of departments say that these younger girls are in need of training to a greater extent than the older saleswomen who have already to some extent demonstrated their ability to become self-supporting and useful workers. This class of young girls employed in stores needs special consideration.

It is stated in this occupation, as in most other women's employments in Canada, that if the individual is efficient she is certain of employment. During the present business depression efficient saleswomen are said not to be out of work. Equal emphasis, however, is given to the statement that a course of training would be of marked benefit both to the individual in increased wages and certainty of employment, and generally in raising the standing of the occupation. The object of the efficient saleswoman is to sell goods which will give satisfaction. It is claimed, with justice, that this is useful work, requiring fine personal qualities of sympathy, patience and understanding. The really efficient saleswoman must have a thorough knowledge both of the needs of the public, and of the quality and characteristics of the goods which she is selling.

It is noted also in this occupation that young girls apply for positions without any idea of the importance of the step as it affects their own future. The applicant should be bright and active in appearance, and should have entrance standing, or one year in a high school, which is preferred. She should be a fairly good writer. Where instruction is given, the beginner is allowed one hour a day in the training school for a week. This is done so that she may learn the system of the store. Her work in the department where she has been placed is watched and if she shows interest in her work, the statement is made that she will get every encouragement. If she does not do well in one department, she may be transferred once, or even two or three times, until the position for which she is best suited is found. She may be a failure in several departments, in which case, she is advised to look for other work. Those who are successful receive instruction in efficiency and salesmanship after they have had some experience in the store.

The employment is spoken of as a young woman's occupation. This condition is said to be specially true of Canada; and the statement was made in one instance that store managers in the United States understand better than Canadians the value of the experienced older woman as a saleswoman. In another instance, it was said that the public demand older and more experienced saleswomen when buying more expensive goods. There seems to be a tendency, however, to prefer

the young girl as a saleswoman. No conclusive reason has been given for this preference.

A certain amount of welfare work is carried on in a few of the larger stores. Some stores have one woman whose work it is to take a motherly interest in the girls of the store. The health and general well-being of individual girls engage her attention. In one instance, such a welfare worker has a special fund in reserve. If a girl looks as if she needed attention, the welfare worker sends for the girl to come to her office and studies the case. Frequently the welfare worker comes to the conclusion that better nourishment is required. If this is so, she makes the girl a special allowance for a few weeks to provide a warm dinner in the middle of the day. The statement was made by this welfare worker that all business women are underfed, sometimes from necessity, but mainly because the average business woman does not understand the economic wisdom of keeping up her strength and efficiency by taking regular and sufficient nourishment.

Store authorities generally say that there is nothing in the work of a saleswoman to interfere with her health. It is admitted, however, on further questioning, that close air and confinement do have a tendency to interfere with health. When conditions are good in a store, the health of the workers seems on the whole to be fairly good. But health is maintained by the saleswoman only if she is careful. She needs, as a rule, to counteract the confinement of her employment by outdoor exercise and recreation. It is also true that the more skilful a saleswoman is, the more she feels the nervous strain of her occupation. If a saleswoman really puts her heart, intelligence and personality into her employment, the work is most exacting. As efficiency and training are increased a close watch should be kept on this nervous strain and means adopted to counteract it, if salesmanship is to continue a good occupation for women. A welfare worker spoke of one health project as a dream of the future. She would like to see a gymnasium and shower bath in the larger stores to which workers, especially parcel girls, could go for exercise and bathing.

Over half the number of saleswomen employed live at home. One return gave 66⅔ per cent. Opportunities for social life and recreation are good for those living at home; not so good for those boarding. Opportunities for self-improvement are thought to be, on the whole, satisfactory. A number of saleswomen take advantage of night classes in sewing and domestic work, and in literature, etc. This is found to be true especially where arrangements for such classes are made by employers. The majority of saleswomen marry. A considerable number, however, remain in the employment until after middle life. The qualities brought out by efficient salesmanship are said to be an advantage to the saleswoman when she marries. She should have acquired tact, business methods and neatness. The saleswoman can look forward to becoming the head of a section if she has more than average ability. The average girl employed in a store can earn, if she is successful, from $15 to $20 a week, but only after some years spent in learning her occupation. Custom as to holidays varies greatly.

One return speaks of about a third of the number of saleswomen becoming skilled workers; another return says 25 per cent. do not improve; 25 per cent. are fairly satisfactory; 50 per cent. are satisfactory. It is submitted that from one-third to one-half is a small number of skilled workers for any employment. While authorities consulted are certainly inclined to be optimistic in their attitude towards the occupation, yet many of the girls are said to be inefficient; and one

return says that about half are indifferent. This attitude is probably to some extent the result of want of training for the employment. But there can be no doubt that the girl worker in many women's employments is influenced by a feeling that she is unlikely to continue in wage-earning work. That this attitude is hurtful to her success, not only as a wage-earner, but as a woman, cannot be denied. It is highly desirable that girls and women should be taught so they may realize that if a girl is an unsatisfactory, indifferent saleswoman, stenographer, factory worker, teacher, nurse or other worker, the probability is that she will be an indifferent and unsatisfactory wife and mother.

The average saleswoman is dependent on her work for a living, and those who live at home pay their board and help to support the home in addition. The statement is made by one authority that the saleswoman who boards is at a financial advantage when compared with the saleswoman who lives at home, because the girl at home helps so largely to provide for the requirements of the family.

A strong plea is made by store authorities for training and vocational guidance. These two improvements, it is believed, would be greatly to the advantage of the occupation.

Recommendations.

Your Commissioners recommend that the Government pass legislation to secure the following:

1. Classes in salesmanship in technical schools.

And that the Provincial Labour Commission undertake the following work:

1. To co-operate with the employment departments of stores for the purpose of improving employment methods.

2. To require stores to furnish statistics regarding number of employees, and such other matters as may be considered desirable by the Commission.

Other recommendations of a general character which affect this employment will be found in Part I, p. 72.

CHAPTER IV.

THE STENOGRAPHER.

Unemployment.

Following the outbreak of the war, there was a considerable amount of unemployment among stenographers. Salaries in many cases (stated to be 75 per cent.) were reduced ten per cent., and this reduction in general still holds. About 200 stenographers out of work in Toronto is given as the highest estimate of unemployment by two agencies. Elsewhere in Ontario the percentage of unemployment would probably be higher. Registration at the Toronto Women's Patriotic League Employment Bureau shows 75 stenographers and 55 office girls. These would be the least efficient, since it appears that trained workers do not register at such an employment bureau; they are probably deterred from doing so on account of a feeling that it is connected with the idea of taking charity. Toronto employment agencies say that efficient stenographers are not out of work and that being an efficient stenographer ensures employment. This statement must be taken as applying only to known Canadian business conditions. If it had not been for the fact that office employees in Toronto and Ontario are looked after by efficient employment bureaux, it can be stated positively that there would have been much more unemployment among stenographers.

Number Engaged in Employment.

There are 11,500 stenographers in Toronto; a small proportion of this number are men. In Ontario outside Toronto, not including Ottawa, there are 13,132. Total 24,632. With Ottawa, the number of stenographers at work in Ontario must be over 26,000.

Nationality.

One employment agency in Toronto with a total registration in 18 months of 3,212, gives the following information with regard to place of residence of those registering, Toronto, 2,663; from outside Toronto, 484; from Old Country, 65. Taking into consideration the youth of the average office worker, it is evident that the employment is largely filled by native-born Canadians.

State of Employment Market, Supply and Demand.

At the Toronto Women's Patriotic League Employment Bureau the statement was made that the occupation appeared to be overcrowded. The employment agencies connected with typewriter enterprises, however, are not of this opinion. At these agencies it was said that efficient stenographers are always in demand and that there are not too many stenographers, but rather that there is not a sufficient supply of efficient workers. The occupation, however, is said to be overcrowded with young, inefficient, poorly trained workers. So much is this said to be true, that in the opinion of these agencies the employment is suffering from the number of inefficient workers and unless some action can be taken to lessen this danger the occupation will cease to be as good an employment as it is at present. At one agency, with an employment expert of standing, the state-

ment was made that salaries for efficient workers would be higher and that their field of work would be broader if it were not for the distrust created in the mind of employers by the inefficiency of the poor worker.

Training.

There are 28 schools and business colleges teaching stenography in Toronto, and a number in Ontario outside of Toronto. There are two sessions in each year. The schools in Toronto are supposed to turn out an average of over 2,000 stenographers in a year. Only 10 per cent. of those attending classes in business colleges in Toronto remain long enough to obtain a certificate. In business colleges outside of Toronto it is estimated that 20 per cent. of the pupils obtain certificates and complete course of training. The extent to which the occupation is being entered by large numbers of half-trained young girls will be readily understood from these facts. Managers of employment agencies say that three years at a Secondary School is too short a time to fit a girl to become an efficient stenographer. She enters the employment with insufficient general training at about sixteen, which is too young. A girl should be at least seventeen, or better eighteen, before she takes a position as stenographer in an office. The standard spoken of as desirable in order to secure the best advantages for the occupation is university matriculation, or three years in a high school, and nine months' or a year's training in a business college. The average girl requires one year's work in an office position in addition before she can be regarded as an efficient stenographer. Business colleges charge fees of $10 a month; this sum apparently is too low to put training on a satisfactory basis for the instructor. But it is not in the interest of the occupation or of the public that anyone should be able to rent a room and start a business college. Vocational guidance is said to be greatly needed for this occupation by those in charge of employment agencies.

Organization and Standarization.

There are no employers' or employees' associations in this occupation. There is in Toronto, however, the Canadian Business Women's Club, which has in its membership a large number of girls who fill office positions. The Business Women's Club offers its members opportunities for study and self-improvement, for outings and social enjoyment. It is an excellent organization, the work of which might be usefully extended. The employment agencies maintained by typewriter companies have standardized this employment as perhaps no other women's employment has been standardized, with the exception of nursing.

Present Employment Offices.

The employment agencies maintained by typewriter companies largely control the field of employment. In Toronto there are two agencies one of which fills 6,000 positions in a year, 40 per cent. permanent and 60 per cent. temporary; and the other 1,200 to 1,500 positions, 25 per cent. permanent and 75 per cent. temporary. The work of these agencies is so thorough that a stenographer, if she so prefers, can keep employed constantly in temporary work. She may work for a week at a time, then take several days off, and be practically certain of employment when she returns to the employment office, that is, of course, if she is an efficient stenographer. No fee is charged either employer or employee.

The requirements of the employer are studied by an expert who understands what is needed in his office and the particular kind of stenographer he wants. The stenographer is given as far as possible the kind of position that she is in search of. She is given advice, not only when she is placed, but if she finds herself in difficulty, or if she feels after successful work that she should be getting a higher salary, she always can have recourse to the employment office. One of these employment agencies, in particular, has been of great assistance to stenographers. Eight years ago when the employment agency was established, the highest salaries paid were said to be in the neighbourhood of $10 per week; now the highest salaries are twenty-five and thirty dollars a week. The employment agency has had a considerable share in helping to secure this improvement. The typewriter companies provide rooms where stenographers looking for work are furnished with machines, paper, etc. Applicants are required to pass a test before their names are placed on the register and are given every opportunity to practise and, if possible, improve.

In return for this valuable service, stenographers who are placed through an employment agency maintained by a typewriter company, are expected to recommend the machines and supplies of the company to their employers, who have also received valuable service from the employment agency. Many stenographers are in positions where their advice is not sought when machines and supplies are bought. One the other hand, stenographers, beyond question, have greatly furthered the sales of typewriter companies through whose good offices they have obtained employment. In one employment office over the desk of the expert in charge is a large card on which is printed:

"Whose bread I eat,
His song I sing."

Underneath are a couple of prose sentences to the effect that since the company is helping stenographers to secure employment, they are expected to help the company by selling supplies.

The usefulness of an employment office in securing positions for applicants is remarkably shown by the work especially of one of these agencies. Even in good times the stenographer would suffer a considerable loss if these employment agencies were withdrawn, without the substitution of some agency equally effective.

Advantages and Disadvantages of Stenography as an Employment.

A girl can earn a good salary in stenography with a comparatively short period of training and little expenditure. It is a well-thought-of occupation. The appearance of the stenographer is in her favour; she has to dress well, in good taste and neatly if not smartly, and this is not without a good effect on her character and work. Her business training teaches her to be orderly and systematic and to work with despatch; it should also teach her thrift. The hours are good and she has as a general rule two weeks' holiday with pay, which is of importance especially from the standpoint of health. The average stenographer remains working six or seven years and then marries. During her wage-earning life she can live at home. Like all other girls, it is said of the office girl that she lacks knowledge of what to eat, what to wear and of how to keep herself in health; also that more knowledge of the value of money, how to spend, and how to save would be an advantage to her.

Working in poorly lighted offices, and with old machines that do not receive proper care, are spoken of as occasional disadvantages met with by stenographers.

Possibilities of Employment, its Present and Future.

The danger that threatens stenography as an occupation is the inefficient, poorly trained worker. Stenography is a good employment with opportunities for the well endowed, well trained stenographer. An exceptional stenographer who has managing ability can look forward to a responsible position, with a salary of $30, $35 or even $40 a week. If a woman retains elasticity, she does not lose her work in this occupation on account of age. A girl who is an expert operator, and nothing more, cannot expect as much as the woman with managing ability, but an efficient stenographer can get $18 a week. This employment has fairly realized its possibilities.

One of the employment agencies has on its register about 100 young girls, classed as copyists. These girls have taken a little typewriting, but are misfit stenographers. Their appearance is poor. As a rule, they come from public schools where they are given some instruction in typewriting. They are not suited to office work, but can work in mail order departments, and in other offices, fyling, addressing envelopes, etc. Their ages are fifteen and sixteen, and they get about $5.00 a week. These girls are kept on the register apparently, in part as an accommodation for customers who want work of this class, and partly for the sake of the girls. They are allowed to practise and are urged by the employment expert to improve their work, but do not do so.

It is clear that unemployment comes largely from this class of ill-trained, inefficient workers, who are not generally in steady work at the best of times, and who in any period of depression are at once thrown out of employment.

Recommendations.

Your Commissioners recommend that the Government should pass legislation to secure the following:

1. No business college to be allowed to teach without license from the Department of Education. Such schools and colleges to be inspected and required to maintain a standard of teaching to be fixed by the Department.

And that the Provincial Labour Commission undertake the following work:

1. To require private employment offices for stenographers to maintain a uniform test in proficiency before registering applicants and a minimum standard in age.

Other recommendations of a general character which affect this employment will be found in Part I, p. 72.

CHAPTER V.

THE TRAINED NURSE.

Unemployment.

The Nurses' Central Registry, Toronto, had in November, 1914, a waiting list of 160 graduate nurses; some of these had been waiting for a case as long as six weeks. This figure should be compared with 80 on the waiting list in November, 1913; and 50 in November, 1910. On the 1st of October, 1915, the same registry had a waiting list of 120. October and November are the two slack months in nursing. In February, 1915—February is a good month for nurses' employment—there was a waiting list at this registry of 107. The number of calls for nurses at the Central Registry for October, 1914, was 73 less than for October, 1913; for November, 1914, 78 less than November, 1913; for January, 1915, 62 less than for January, 1914.

In every case but one, the woman in charge of a nurses' registry where enquiry was made, said that there were too many nurses in Toronto. In the one case, the woman in charge declined to give any opinion.

Several of the registries said they did not know how nurses were managing last winter, and spoke of suffering. In two instances, the woman in charge of the registry—in both cases a private registry—said that she was helping a few of the nurses herself. One was not taking any commission from some of the nurses, because she knew they were "hard up." Others said they knew the nurses were "just managing." Every private registry spoke of having refused, and at the time of the enquiry of refusing daily, many applicants to be entered on the register. In two instances, as many as 100 and 150 nurses had been refused registration. A registry will not take the name of a nurse whose name is on any other registry. Sixty-one nurses, 20 described as trained and 41 as experienced, registered at the Toronto Women's Patriotic League. The 20 trained nurses probably would be graduates from the Old Country; Canadian graduate nurses would be unlikely to register at such an employment bureau. Conditions of unemployment apply throughout Ontario, as far as can be ascertained, to about the same extent as they do in Toronto.

It should be noted that while in other occupations enquiry has shown that efficiency, training and experience practically ensure employment for a woman in the present state of Canadian development, this does not seem to be true to-day in nursing.

Number Engaged in Employment and Nationality.

Under the heading Nurses, the Bureau of Statistics, Ottawa, gives for 1911, in Ontario, the number 1,392. Enquiry at eight nurses' registries in Toronto last winter places the actual number of nurses registered at 733; the estimate given by these registries was that only 10 per cent. of the number of nurses at work in the city are not registered. These figures do not include nurses on the staffs of public and private hospitals. Probably between 800 and 900 nurses are engaged in private nursing in Toronto. The Central Nurses' Registry is for graduate nurses only; of the number registered about 130 out of 500 are graduates from hospitals outside of Toronto and of these 37 are from the Old Country. The private registries show a larger proportion of Old Country nurses. Trained nurses

from the United Kingdom come to Canada under the impression that they can find work readily. It is difficult to make any correct estimate of the number of nurses in Ontario; between 2,000 and 3,000 is probably not wide of the mark. If nurses on the staffs of hospitals are included, this number should be increased.

State of Employment Market—Supply and Demand.

There has been a marked falling off in the demand for nurses since the beginning of the present business depression. People at the time of writing, October, 1915, are doing without nursing care whenever possible. Figures given above seem to show at the same time that there is an over-supply of nurses. This condition exists in spite of the fact that 500 Canadian nurses are said to have been sent to Great Britain and France. The public has naturally taken for granted that the war has largely relieved any condition of unemployment among nurses, but this belief seems to be mistaken. There is need of a systematic enquiry by an Employment Office or other Government agency into the number of nurses normally required in Ontario and as to whether training schools are turning out more graduate nurses than can be absorbed even in other parts of Canada. Information furnished by the Central Registry in Toronto shows that a nurse is employed on the average not longer that eight months in the year. A nurse in private nursing is not physically able to be employed constantly throughout the year. But although the graduate nurse while engaged receives $21 a week, her income for the year averages about $600. Allowing an additional $100 or $150, for food while employed, it is plain that the graduate nurse is not in receipt of the large income which she is generally supposed to secure. At the private registries, the average income for a nurse is given as $400. Considering the fact that the nurse has had to give two or three years for training, and that her working years are limited, this is a smaller income than might reasonably be expected. A study of the financial side of the employment would be helpful to nurses.

Training.

Most hospitals of any size have a training school for nurses. In return for training, board, lodging and uniform, the nurse in training gives her time and work for two or three years. In some instances, the nurse in training is paid, at the rate of $10, $15 or $20 a month, but the allowance, when made, has to cover the expenditure for text books, uniforms and other expenses. It is a question as to whether the present arrangements with regard to training are in the best interests of the nurse. The hospital takes no responsibility, generally speaking, for her future employment, although in large hospitals a number of graduate nurses are constantly employed, and these are engaged first from the hospital's own graduates. Apparently, there is good reason for stating that a nurse's working life varies from 8 to 12 years. Hospital training is undoubtedly good; and there is a high standard of efficiency among nurses. It might be suggested that hospitals should take some obligation for the employment of their graduates; or that the system of hospital nursing might be changed so that a nurse in training would pay a fee, and the work of the hospital be carried on by paid graduates. Under present conditions, the expense of the hospital, in many cases a public institution, seems to rest to some extent on the nurse in training. If hospitals, under present conditions, require, in carrying on their work, more nurses in training than can find paid employment after they graduate, this condition seems to call for readjustment by some public authority acting in the interest of the young woman who takes a nurse's training so that she may fit herself for self-support.

Organization and Standardization.

The nursing profession is well organized, and the work is standardized to a considerable extent. Associations of graduate nurses have performed valuable work in establishing employment bureaux for their own profession. They also promote a high professional standard of conduct among nurses; and they are constantly raising the standing and efficiency of the employment. These associations have also helped to establish valuable social comradeship, and engage in various philanthropic undertakings. They further would greatly benefit their membership if they studied the effect of nursing upon the health of nurses and sought remedies for the physical strain of the occupation. The members of possibly no other women's employment have done so much for the efficiency, standing and good of the members of their profession as have trained nurses. This record is as it should be, for government or public action can never take the place or perform the duties of private initiative. But the more complex questions of employment, the effect of a fixed rate of remuneration on employment, over-crowding, etc., are technical; and in these respects, the nurse's employment, like all other employments, should have the benefit of technical advice and guidance. Statistics necessary for adequate study by an expert can be secured only through government action.

Present Employment Offices.

The principal employment bureau is maintained by an association of nurses. There are numbers of private registries, generally speaking in charge of women who are themselves nurses and have retired from active employment. A boarding house is often maintained in connection with the private agency; the nurse pays a small sum for her room whether she uses it constantly or not, but pays for her meals only when she is in the house. The fees of the employment agency maintained by the nurses' association are five dollars a year; members only make use of the bureau. The private agencies charge $2.00 annually, and 5 per cent. of the fees paid in each case. A few agencies charge $3.00 annually and 6 per cent. on each case. These employment agencies are not licensed or inspected by the Government, nor do they make any returns to the Government.

Advantages and Disadvantages.

The profession of nursing is highly esteemed. It is believed to offer opportunities for change, interest, adventure, and for the exercise of kindness and benevolence. These considerations undoubtedly act as incentives to young women in their choice of this occupation. The universal testimony met with in this enquiry is to the effect that the trained nurse is better fitted for marriage by virtue of her training. Knowledge of health, nursing care, the care of children, and of housekeeping matters, diet, cleanliness and so on is generally valued by the nurses themselves, and the fact of this knowledge is always commented on with favor by women in other occupations who have been questioned in this enquiry.

On the other hand the work of a nurse is acknowledged to be strenuous and exacting; hours are long; and many circumstances are trying. The nurse needs relaxation and entertainment to an extent not found in other occupations. The consensus of opinion among nurses, those who have been nurses and among managers of employment agencies, is to the effect that the health of the average nurse

suffers after a term of years. The statement is often made that no woman ought to nurse twelve years; if she does her health suffers. A number of nurses who have given up nursing are found in other occupations. It is interesting to note that when a nurse enters another occupation, she is inclined to go into business on her own account. She may run a tea room, raise squabs, establish a registry for nurses, open a rest-home, or small private hospital; but generally speaking she is owner or partner in the enterprise.

Possibilities of Employment.

Highly as the possibilities of the nursing profession have been lived up to by nurses, it seems possible that this profession may look to the future for greater developments. The nurse is likely to be a leading figure in the bettering of living conditions everywhere. One would like to suggest that if a nurse were to organize a country district, she would find employment and a helpful healthful life—provided she does not undertake more than anyone ought to do. In the management of institutions, health departments of municipalities, and in general in the prevention of sickness and promotion of better standards of living, the nurse will be more and more an effective and beneficent worker. It should be noted that in organized departments of nursing, the individual nurse is not likely to be over-worked to the same extent she sometimes is in private nursing.

Recommendation.

Your Commissioners recommend that the Provincial Labour Commission undertake the following work:

1. An enquiry as to whether the nursing profession is becoming over-crowded and if hospitals should continue to graduate trained nurses at the present rate. Data to be collected as to the number of Canadian nurses trained in the United States who return to practise in Canada.

CHAPTER VI.

WOMEN WHO WORK BY THE DAY.

Unemployment.

Women who work by the day, generally known as charwomen, wash, iron, scrub and clean; they have not the regular employment of domestics, except in the case of office cleaners; and they are for the most part married women with children, widows with children or deserted wives. The number of women who work by the day is increased in times of depression. In the winter of 1915, a great many were seeking such work; but even in normal times there are some thousands of married women in Ontario so employed. In April and May, and in September, October and part of November, most women who want work by the day can find employment. During the rest of the year, there is more or less unemployment. In the slack season of 1914 and 1915, there was considerable unemployment for two reasons: because of the unemployment of their husbands, women were looking for work by the day, who, in normal times, would not have needed to add to the family income; and second, there was less employment by the day than usual, because of the general cutting down of household expenditure. It is impossible to make an accurate estimate of the amount of unemployment among these women, but it has been considerable. There is likely to be some unemployment in the winter of 1915-16.

Number Engaged in Employment and Nationality.

The statistics by occupation supplied by the Census give the number of charwomen in Ontario for 1911, as 1,000. Five hundred and ninety-two charwomen registered at the Toronto Women's Patriotic League from September, 1914, to March, 1915, and this number has gone on increasing. Five day nurseries in Toronto have a registration of workers varying from 75 to 250. It is safe to say that between 600 and 700 charwomen are on the registers of these day nurseries. A considerable percentage of the registration at the Women's Patriotic League is probably included in these figures. Many charwomen have their own customers and do not register at any employment centre. There are, besides, the office cleaners. It is evident that in Toronto alone there must be between 2,000 and 3,000 women who work by the day and who are practically all women with children. Probably another 1,000 or 1,500 should be added for the other cities and towns of the Province.

Comparatively few Canadian-born women seek this employment. The majority are said to be English, with a small percentage Scotch and Irish. One employer of office cleaners said that 75 per cent. of those who applied for cleaning work were English.

Training.

Few of the workers can be described as highly efficient or even as efficient. In this employment, as in almost every other women's employment, it is said that every good worker who knows how to do her work is certain of employment. In the case of women who work by the day, however, the number of efficient workers is comparatively so small, that a good worker is at an unusual advantage; matrons of day nurseries say any woman employer who once has a good worker will always give her steady employment. That is to say, if a capable woman comes to a day nursery

looking for work, she needs to be placed only once or twice. After that she has her own regular customers. The training required is simple domestic training—to be able to wash, iron and clean. If the woman worker has not acquired this knowledge in her own home, or when she was a girl before she came to Canada, there is little opportunity for her to get this training here. The woman employer, if she is willing and if she has the necessary knowledge, time and strength, can train her domestic worker; but it would be difficult for her to teach the woman who works for her by the day. Yet there is great need for this simple domestic training if the efficiency and steady employment of these women workers are to be secured. An effort is being made by one of the day nurseries to give the workers training in laundry work. It is especially in laundry work that training is needed. At the same time, it must be remembered that women who work by the day have also to work at home; they have seldom time or strength to spare for training. Their inefficiency as domestic workers is evident in many cases in their own homes. But amongst women's employments, it would be hard to find a more heavily handicapped worker. The woman is herself untrained, or imperfectly trained. She has a home to keep and children to care for. She goes out to work by the day because she needs the money for the support of the family home. To expect her to acquire training and efficiency is to expect a good deal. Training must be given when she is a girl, and before she marries.

Organization and Standardization.

There are, of course, no associations of women employers, nor of women who work by the day. But the day's work is fairly standardized. The pay is $1.25 a day, meals and car-tickets. The length of the day varies from 8 to 5, 8.30 to 5.30, and so on; a little while later in the morning is not as a rule counted strictly by the employer, nor is a little while later at night counted strictly by the employee.

Present Employment Offices.

The only employment offices—with the exception of the Women's Patriotic League Employment Bureaux, and a few examples of church employment bureaux—are day nurseries. These excellent institutions are maintained to care for the children of women who work by the day, and to find the women work. The employment departments of day nurseries, it may be said, are regarded as a considerable convenience by women employers. It is convenient to be able to telephone for a woman to do some extra cleaning, with a fair prospect of getting a tolerable worker. The woman employer pays no fee for this service, but she may be a subscriber to the day nurseries which are maintained by subscriptions from the public, municipal grants, and from fees paid by the mothers who work by the day. Ten cents a day is charged for the care of one child; fifteen for two children, and so on. One or two of these day nurseries care for one hundred children every day, except Sunday. On October 19th, 1915, one day nursery had 103 children. Of these 22 were babies under a year and a half; 33 were children able to walk a little, but not old enough to be left alone; 47 were school children.

The percentage of widows and deserted wives who register at the day nurseries is large. It is given in one instance as about one-third. In another instance out of a registration of 120, 22 were deserted wives and 19 were widows.

Generally speaking, if they can find employment women who work by the day are engaged every day in the week, with the exception, in most cases, of one working

day, Saturday. The number of children affected by this employment certainly is not less than 2,000 or 3,000 in Toronto alone. Day nurseries give the average of children in a family left in their care as two, except in one instance when the average was given as three. The statement prepared for the Unemployment Commission by the Employment Bureau of the Women's Patriotic League, with a total registration of 592 charwomen gives the number of those having dependants as 386. In 130 cases, the number of dependants is given as three or more.

The most serious aspect of this employment is the effect which it has on the home of the woman who works by the day and on the future of the children. In the case of the office cleaner, the best paid workers get $30 a month, which is good pay as compared with that of like employments. But the hours are from 6.30 till 9 in the morning and from 5.30 till 9 in the evening. It needs little reflection to understand what these hours mean to the children at home. Who helps the children to dress, gives them breakfast and sees them off to school; who meets them when they come back from school, gives them their evening meal, and puts them to bed? This neglect of home duties is not wholly the fault of the woman; her responsibility in reality may be very small. It is highly probable, however, that these children in the future will help to enlarge the ranks of the unemployed, or underemployed, and in the case of little girls, they likely, when they grow up, will be also somewhat inefficient women who work by the day.

Three suggestions may be offered to the managers of day nurseries. If they were to conduct among their patrons and others a canvass for employment, much could be done to prevent unemployment in the dull seasons of extra household work. If during the distress of the winter of 1914-15, the women of the various churches had organized a canvass among the church population, asking how many required a day's work or a half day's work, once a week, or once in two weeks, or even once a month, it is believed that work would have been provided for many women anxious to work by the day, who, as it was, were compelled to remain idle, with resulting distress to their families.

It is also suggested in connection with this campaign that educational work should be undertaken to develop the demand for extra house assistance. One of the reasons why there is an under-supply of regular domestic workers is to be found in the long hours of that employment, and in the fact that domestic workers are often disappointed in getting off-time which has been promised to them. There are many women who for fifty or seventy-five cents would be glad to look after the house on the maid's afternoon and evening out, or who could be secured for a small sum to take charge of the house in the evening when the maid is either out or off duty. This plan would help to remedy what is known as the "servant problem." Girls will not take work in which they are on duty twelve hours, as long as they can get employment with a ten or eight hour day.

In the matter of providing training for the woman who works by the day, it has already been mentioned that a day nursery has begun a laundry where workers are to be trained. It might be suggested that the usefulness of the day nursery as an employment centre would be increased if greater use was made of the plan already in operation in some day nurseries where no worker is registered whose work does not reach a certain fixed standard of efficiency. There is, of course, no means by which a woman worker whose work is not up to the standard can be compelled to take training, but it is suggested that private benevolence might provide a fund which could be used to pay a woman in need of training for a day or half-day spent in being taught how to do simple domestic work.

Such training would be of great benefit, not only in getting work, but in improving the standard of living conditions in the homes which are already visited by officers of the day nursery.

The real occupation of the average woman who works by the day is that of home-making and the care of children. Her occupation as charwoman is not her real work, but is entered upon because of economic necessity, and is largely injurious to her true employment. It is believed that a step in advance in the interests of all women's employments would be taken should educational authorities and the State recognize home-making and the care of children as women's employments requiring training, skill and efficiency. It would aid women who are home-makers and engaged in taking care of children if the importance of these employments, both economic and social, was nationally and definitely recognized. The public would understand better the loss which results when women engaged in these employments are taken away to earn money by charing and in other work of a like character. Women who leave paid employments to become home-makers and to have the care of children would be less likely to think they had lost their economic value if these primary occupations of women were given their true importance. Some hundreds of thousands of women in Canada are home-makers and have the care of children. The statistics of other women's employments are not to be compared in economic and social importance with these statistics. It would be of benefit if some account of home-making and the care of children was added to the Census of Canada.

It is not possible under present conditions to suggest any restrictions on the employment of women with young children, even although it is desirable in the interests of the community that they should be free to work at home. Every improvement in the employment of men is likely to lessen the employment of married women in charing and other work. Remedies which will make it more economically advantageous for the women to stay at home than to go out for $1.25 a day are the only developments which are likely to be of immediate service in lessening this employment. An improved knowledge of food values, of how to buy wisely and economically, of sewing and the re-making of clothes, of thrift and saving with an understanding of the "budget-plan" of household living and expenditure, and the use of small gardens to grow vegetables, are means by which the woman may increase the purchasing power of a small weekly income. This knowledge should be taught to girls at home whenever possible, and certainly at school.

Recommendations.

Your Commissioners recommend that the Provincial Labour Commission undertake the following work:

1. A study of the employment of women who work by the day, with a special view to the effect on the workers' children; the employment of office cleaners to be studied with a view to determining whether it may not be a more suitable and advantageous employment for men.

Other recommendations of a general character which affect this employment will be found in Part I, p. 72.

Eighty-one Country Positions: an Analysis of Cases of Unemployed Women Sent to Country Positions.

The Toronto Women's Patriotic League during the autumn of 1914 and winter of 1915 arranged to send domestic help to the country. Mrs. Hamilton, the Convenor of the Committee in charge of this work, kindly furnished the Unemployment Commission with particulars of 81 cases in which employment had been found for workers in the country. The total number of positions found exceeded one hundred, but for various reasons, it was impossible to furnish a study of every case. The number studied was, therefore, limited to 81.

The average monthly wage for the 81 positions, exclusive of 7 married couples, was $9.25. The average monthly wage for 54 out of the 81 positions was $7.00. In a number of cases dependants accompanied the worker to the country position; and in some cases the keep and lodging of worker and dependant was the only wage.

The difficulty experienced by widows in getting work to support themselves and their children is illustrated by this study. Twenty cases out of the 81 were widows, and of these 10 took dependants to the country with them, in each case at low wages.

Eleven girls of seventeen years of age and under with no training were sent to country positions at $5.00 a month. In most cases they had previously lived at home. This study with other evidence shows that numbers of girls of sixteen and seventeen have no training, not even domestic training, by means of which to earn a living, and that their employment and training is a serious problem.

Nearly half the number of positions filled were given to women and girls who were without training and could obtain only the lowest monthly wage, varying from board and lodging to $5.00 and, in some cases, $10.00 a month.

A considerable number of women who appeared to be not normal mentally applied for work at the Women's Patriotic League. At the bureau for country positions, a list was kept of 19 such applicants, said to form 7½ per cent. of the whole number applying for work in the country.

The bureau as far as possible kept in touch with those placed in country positions. Some of the workers returned to the city; a few because they were unsatisfactory, several because they were dissatisfied. The friendly advice given in this employment bureau and the personal interest taken in each case resulted in 69 permanent positions being secured for workers who were not in every case promising. The bureau also succeeded in separating the unemployable from the employable in a number of cases. Arrangements were made for several women unable to work to be taken into city institutions. It is apparent from this report, and from other evidence secured during the present investigation, that the matter of providing care for mentally unfit persons is a question of urgency.

CHAPTER VII.

REPLIES AND STATISTICS FROM REFORMATORY AND PENAL INSTITUTIONS FOR GIRLS AND WOMEN.

An enquiry was sent to the officer in charge of four Ontario reform and penal institutions for girls and women with a view to finding out what effect want of training and vocational guidance has had on the present difficulty and on the possible employment of the inmates. The answers to this enquiry are summarized below.

The number of inmates in the four institutions was 317. Of these 178 were native Canadian; 108 from the United Kingdom; and 31 foreign.

Of the total number of inmates 156 were under 20 years of age; 42 were between 20 and 25; 105 were between 25 and 50; and 14 were over 50.

It should be specially noted with regard to the questions of restoration and employment, how young many of these girls and women are, and what a large proportion is native Canadian. In one institution, with 120 inmates, the ages are from 11 years to 18.

In reply to enquiry as to what was known of home conditions, the answers sent were as follows: "As far as I can ascertain none had much chance. The home was not right." This question was not answered from one institution. In two other institutions, with a total of 233 inmates, those who have come from unsatisfactory homes are reckoned at 205. The detailed replies for these two institutions are as follows: "Fifteen come from good homes; 30 from unsatisfactory homes; 53 from really bad homes; and 22 have no home." "Thirteen from good homes; 100 from unsatisfactory homes."

As to the number of mental defectives in these institutions the statement of an expert is that the number varies from 15 to 25 per cent. In one institution, with 113 inmates, mental defectives were returned as 30 in number. In another institution, with 120 inmates, 21 are reported as "decidedly defective." This means that a considerable number in addition are not so obviously defective. The total number of mental defectives in the four institutions cannot be far short of 80 and may be between 90 and 100.

Since none of these institutions is intended for the permanent care of any class of inmates, it is evident that this comparatively large number of mental defectives will again seek employment within a short time; will add to the numbers of the unemployed; and are really in most cases unemployable, except under care and supervision in an institution where they may become largely self-supporting.

Replies with regard to training, employment and vocational guidance are as follows:

"Ninety-three per cent. of those mentally sound do well after leaving the institution when they have been taught a trade." This reply is from the institution in which the ages of the inmates vary from 11 to 18.

In reply to the question, what is the strongest factor in setting inmates in a good way of living, answers given are: "Interesting work—always provided there is an awakening of the soul." The next strongest factor is "Innocent recreation. I do not mean to deprecate the great power of living religious influence, but I do think the ground must be prepared for the good seed."

"Vocational guidance in youth would have effected very great improvement. Most of them are without resources. They need training in almost every direction. They are not likely to become decent citizens without training in industrial work."

In reply to the same questions as above: "To impress them with strong religious belief and practice. The next strongest factor is skill in some one kind of work."

"Careful vocational guidance would meet many of their defects."

These replies are submitted as strong evidence that training for some particular employment would greatly assist in lessening the creation of a class of unemployables and of a class who are unemployed, although employable; and that vocational guidance would be of great benefit to all young people.

The returns from the Toronto Gaol contain the following among other particulars:

The day when the enquiry was answered was August 3rd, 1915.

On that day there were 32 women inmates in the gaol.

10 for the first time.
6 for the second time.
1 for the third time.
4 for the fifth time.
4 from five to ten times.
7 over ten times.

Of these, 1 was under 20; 8 were between 20 and 25; 21 were between 25 and 50; 1 was over 50.

In reply to a question asking how many had been admitted during the last Government year, "repeaters" not to be counted more than once, the number given was 995.

The present sequence in the lives of many of these unfortunate women is from the police court to the gaol, the Mercer, the hospital, the House of Industry, and so on continuously, not always in the same order, but always with the same end, a life of unemployment, harm and misery.

Recommendation.

Your Commissioners recommend:

1. That the prison farm system, which has been begun for women prisoners, be extended as speedily and widely as practicable, with an indeterminate sentence and that inmates of reformatories who have no trade receive training in some skilled occupation.

ANALYTICAL TABLE OF APPLICATIONS FOR POSITIONS—TORONTO WOMEN'S PATRIOTIC LEAGUE.

	Married.	Widows.	Single.	Deserted.	With dependents.	Three and over.	Single. At home.	Single. Rooming or boarding.	Under 20 years.	Some domestic skill.	Skilled.	Unskilled.	Special classification.		Unskilled, Foreign under 20.	Unskilled Eng. spkg. under 20.	Foreign.	Jewish.	Jamaican.	Italian.	Dutch.	Roumanian.	Finnish.	Feeble-minded.	Unemployable old, inefficient.	Total.
Charwomen	393	130	36	33	386	130	....	....	1	175	393	200	....	....	....	....	11	3	3	1	1	1	2	....	38	592
Sewing	172	76	205	14	155	29	58	110	53	51	136	172	*94	†65	30	23	57	46	4	7	....	....	....	....	20	467
Domestic	63	81	324	12	38	....	....	....	68	480	326	154	....	....	....	68	10	....	6	....	2	....	2	8	55	480
Office	7	1	122	....	4	....	32	59	30	30	130	....	‡75	§55	....	....	5	5	....	....	....	....	....	....	....	130
Nurses	12	15	31	3	17	....	3	25	....	43	61	....	‖20	¶41	....	....	2	....	1	....	1	....	....	....	....	61
Saleswomen	1	1	29	1	2	....	8	21	7	15	24	8	....	....	....	....	1	1	....	....	....	....	....	....	....	32
Governesses and Companions	1	2	18	....	....	....	3	18	....	12	21	....	....	....	....	....	1	....	1	....	....	....	....	....	....	21
Factory	5	1	101	1	2	....	60	26	57	24	....	108	....	....	40	17	42	40	....	2	....	....	....	....	....	108
Miscellaneous	9	10	51	2	8	3	17	27	20	16	36	36	....	....	5	15	7	5	1	....	1	....	....	....	....	72
Total	663	317	917	66	612	162	184	286	236	846	952	678	....	....	75	123	136	100	16	10	5	1	4	8	113	1,963

*Operators. † Knitting. ‡ Stenographers. § General Office. ‖ Trained. ¶ Practical.

PART IV.

EVIDENCE TAKEN BEFORE THE COMMISSION.

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EVIDENCE TAKEN BEFORE THE COMMISSION.

Mr. Thomas Adams, Town Planning Adviser, Commission of Conservation, Ottawa. Toronto, March 23, 1915.

Every country applies palliatives to its unemployment problem. It is difficult to deal with this courageously, for public opinion must be educated at the same time.

The problem must be put on a business basis. No business can avoid investigating fluctuations in its market. There must be some means of determining the conditions on which to found a policy.

In the United States, the system of collecting statistics is, perhaps, better organized than in England, but the full information collected does not lead to practical results. Statisics should be collected for a purpose. and action should be based on them. "The thing is to have a definite goal, and collect statistics with the object of attaining it, to combine American science with British action."

Collection of Statistics.

In England, the collection of statistics relating to labour is the business of the Board of Trade. This is done through the Labour Unions, and the Labour Exchanges. Apart from the Local Government Board, which administers the Poor Law, it is responsible for labour questions. Its activities include the inspection of factories and the control of Labour Exchanges.

It will not be possible to organize the regular collection of statistics in Ontario without the maintenance of a Provincial Department for the purpose. Powers of compulsion will be necessary for the collection of adequate statistics. It is difficult to drive a democratic people, but this Department must be deserving of such confidence as to warrant its possession of compulsory powers. The knowledge which it obtains can be supplemented by the Census, which should be taken at intervals of less than ten years.

Public Works and Labour.

The Department of Public Works of this Province at present includes the Bureau of Labour. There is a distinct connection between Public Works and Labour, and perhaps there should be two Deputy Ministers. one of them responsible for ordinary Public Works, and the other responsible for Labour. "You have got your Ontario Factory Inspectors under the Department of Agriculture; they should be under the Department of Public Works. It seems desirable to create a Deputy Minister of Labour under the Department of Public Works."

In England, expenditure on roads has been planned with a view to the prevention of unemployment. The Road Board was formed as part of the Development Commission four or five years ago. Motor traffic was damaging the roads, and a tax was placed on gasoline, which, with other levies, secured a fund for road improvement. The Road Board has power to make roads and to grant money to the local authorities, which do this for themselves. It is independent of any other Government Department, and the Minister responsible is Mr. Lloyd-George himself. Since it was created, it has accumulated large funds in excess of its expenditure. This will enable it to begin work on a large scale, when unemployment becomes acute. Thus, it is spending money wisely on

road improvement, and at the same time preventing distress among the workers. So far there has been no slackness in employment to justify the use of that money.

The Provincial Government might well undertake an enterprise of this character. It might also clear and drain land for agricultural purposes.

Relief Work.

Ordinary relief work is generally very costly. The witness once employed 400 men, who were supplied by Government, to do work for a private company. "They sent us down musicians, tailors, bricklayers and others to do the work of navvies. The cost of ordinary labour was 12c. an hour. These men did half the work of ordinary labour, and so had only half the normal earning capacity of unskilled workmen." Even in times of depression, men must be given work of a kind to which they are accustomed, and the judicious regulation of Public Expenditure could ensure this.

Municipal Affairs and Labour.

On the other hand, the amount of unemployment is, to some extent, determined by the expenditure of local bodies. It would, perhaps, be wise for this reason to make a Department of Labour part of a new Department dealing with Municipalities.

Unless the Provincial Government goes into every township and controls the expenditure of money there, the municipalities must be the chief spending authorities for labour purposes. "I think that those who spend should be responsible as far as possible for organizing work they do. In that way you get the fullest measure of autonomy, making each locality responsible for its own unemployed, even if it receives a grant from Government."

In England, when the war began, Parliament agreed on a measure by which $20,000,000 was set aside for building houses. This was in anticipation of widespread unemployment in the building trades. The money was to be advanced to any local authorities who might require it; 10 per cent. as a free grant and 90 per cent. as a loan, with interest at 4½ per cent., to be repaid in equal annual instalments of principal and interest, over a period of sixty years. Annual payments are calculated at the rate of $4.17 per each $100 advanced.

Expenditure on public buildings can, in many cases, be made at any time within a considerable period. During certain periods of slackness, it would be possible to construct public buildings, which, in the ordinary course of events, would not be built for several years. "You might put an extra wing on your Post Office, or build a new Post Office two or three years before you wanted it, or, you might suspend the erection of a building for a few years in time of prosperity."

One solution of the difficulty would be to form a separate Department of Municipal Affairs to deal with finance. As time went on, it would find that it was overlapping with the Department of Public Works in regard to labour questions, and then a readjustment of their functions might be arranged.

Municipal Finance.

"I am astonished at the different directions from which this question of the need for a Department of Municipal Affairs has come to me. The Bondholders Committee of the Board of Trade are pressing it; they feel that they cannot continue freely to loan money until there is a more responsible control of municipal expenditure. Then at the Good Roads

Congress, the relation between the Federal, Provincial and Municipal Governments in regard to the making of roads was discussed, and several other bodies are making representations in the same connection. It seems very desirable that such a Department should be created."

The British Government has many compulsory powers which are never used except as a support to moral suasion. It is considered public policy in England to use pressure in matters affecting public health by withholding grants to the local authorities, and it has been proposed in connection with town planning that grants should be withheld from local authorities which neglect this important matter, on the ground that they fail to deal with an urgent public need. In this Province, Government could make advances to local authorities in proportion as they maintained their roads in good condition. The same principle might be applied to matters of public health and sanitation. On the other hand, it would be wrong for a government to withhold its approval of expenditure on sewage disposal, or some other urgent local need, on the ground that the local authorities had neglected to do some other work. The ground on which it might refuse would be that the work was bad engineering.

Mr. David Archibald, Deputy Chief of Police, Toronto, Sept. 8, 1915.

The system of dispensing charity through many different bodies has not only failed to cope with destitution in Toronto, but on the contrary, has defeated and disappointed the citizens' well meant intentions, and failed to reach the deserving poor, who would starve before making their conditions known, or thereby be pauperized.

"For instance, it will be remembered last winter when demands were being made upon the Ontario Government and the City Officials, that large crowds were pressed into the street processions. The Civic Officials made provision to feed up to 2,000 daily in the House of Industry. After several days (owing to the class and standing of those applying for food) it was found necessary to place seventy-four men under arrest charged with vagrancy. When they were searched, over $1,500 between cash and bank accounts was found in their possession, averaging $20 each. Seventy-three of the seventy-four were imprisoned, terms varying from sixty days to three months. This resulted in a considerable falling off of the number applying for food at the House of Industry."

Most vagrants are victims of intemperance. When a man becomes a slave of strong drink, all the resourcefulness, ingenuity and desire to work are destroyed in him. Drink is responsible in the main for all pauperism, more particularly for the unemployed semi-criminal vagrant.

The witness then related how some thirty years ago he counted forty-eight able-bodied men leaving one police station after having got a night's lodging. He advised stiffer action.

It was decided to send the more able-bodied of such vagrants to the Central Prison where they could get work and be supported by the Province.

"The result of this decision was that these men started leaving the city in droves and for a long time we were not bothered with them because they knew what to expect."

"Now the same thing is occurring again. Men are coming into Toronto from the mining camps, lumber camps, and smaller places, spending their money in drink, and complaining of not being able to get work. A lot of them don't want it and wouldn't take it if they had a chance. This class of men augment the already too numerous criminal class."

Constructive Policy.

In dealing with vagrants, the witness would develop widely the system of Industrial Farms. "It should be distinctly understood that every able-bodied non-resident, who is without means and unwilling to work, should be placed under restraint for at least six months, and furnished with remunerative employment. After deducting sufficient for his maintenance, I would apply the residue in his best interest."

The witness does not attach much importance to the plea that this brings prison labour into competition with free labour. Unless a prisoner is furnished with productive labour, the cost of his maintenance, and often that of his family, falls, in the form of taxes, on free labour. As a productive labourer, the prisoner can be made to relieve the public of that burden and produce his maintenance.

Treatment on discharge.

The accumulated earnings of the prisoner, to which he has a right on his discharge, should be controlled by some central board of management. The money should be meted out to him, in accordance with his necessities, until such time as his reformation justifies the board in giving him these savings. Or he might be given a claim for board and lodging, at a house within reach of his work, equal to the sum which is due to him. Such an arrangement would at the same time avoid the danger of giving the man money, and prevent him from selling his claim on the house. The methods of reclamation practised in England by the Salvation Army deserve the most careful study.

Rev. Audrey Brown, Toronto, May 19, 1915.

Among the contributory causes of unemployment, the witness would place first:

Our system of taxation. "I feel that by penalizing the building of homes or the building of factories by taxing them when they are built, we thereby handicap to that extent the building of either homes or factories which will employ labour."

Immigration.

A second cause of unemployment is our immigration policy. If we selected our immigrants more carefully, and had machinery to care for them from the time of landing, till they were placed in positions suited to their needs and training, we should have fewer unemployed immigrants. Many come to this country with a trade, and cannot find employment in it here. Some Toronto Poles are expert farmers, and do not know that farm land may be had in Canada. They come to Toronto by night, and find work excavating sewers; it surprises them to learn that there are farms in Canada. The witness took a census of a large Polish Night Class not long ago, and found that every man came from the land in Poland, and was an expert farmer. None were farming here. The Immigration Commissions of New York and New Jersey have prepared literature which they place in the hands of immigrants on landing. Thus

the immigrant reads in his own language what opportunities America can offer. This would be no less useful in Canada. "We have a man who came from four generations of expert Clock Makers and Engravers in England, who was handling freight at the C.P.R. Station until his health failed. He has five children to support. One of the City Nurses referred him to me, and I got him a good deal of work fixing clocks. I have given him copper to work with, although he has not worked in copper, and he is doing very well."

It is possible that the foreign-born are more adaptable than English immigrants.

An immigrant may hold four or five different positions before he finds one suited to him. But he can, at least, be saved from his own ignorance. "I find families who have been induced to buy a $65.00 steel range the moment they landed; the agent had succeeded in telling them that there was no other stove made in America."

The teaching of adult immigrants lacks uniformity. A foreigner, who has studied in Toronto, may be moved to Sault Ste. Marie, only to find that the Night School in that City has a different organization, and a different set of books, from that which he has known. This strange course of study destroys the incentive to continue. These classes might appeal more strongly to the foreigner with a less childish curriculum. For instance, in Port Arthur the children's spelling books have been discarded. Big men no longer begin with "cat" and "rat." The teaching is based on Canadian Implement Catalogues, and the pupil is learning about farming while he learns the language.

"For immigrants coming from the land, and even for Canadians, a Farm Colony plan developed in the north land would be an interesting experiment. We could take a group of these people, and a plot of considerable size, and create a farm village. The Government Farm in the centre could use much of the material grown by the farmers, who, living in a village community, would not suffer from the isolation of an ordinary settlement. This has been done, I think, in Denmark."

Education. Unemployment is also connected with the educational system. Every boy and girl should be fitted for a trade. Little is done at present in Ontario to further vocational guidance. Technical education and vocational guidance could possibly be combined. As practised in the Schools of Brooklyn, the Gary System does vocational work by letting classes in the schools elect certain members to help the school mechanics. A boy will help the plumber, and make that the basis of essay work. Then, he will help the carpenter, and others. Though the boys who do this have no idea of choosing a vocation, the teacher can sense their aptitude in this way.

The years between fourteen and sixteen are usually wasted. Boys and girls of this age wander from one occupation to the next, and seldom remain for life in any. These years can, perhaps, be bridged by the part-time system of technical education, but it is difficult to make arbitrary rules for special ages. Many town boys at eleven are no less mature than many country boys at thirteen. The financial difficulty connected with part-time technical education would gradually provide its own solution.

Feeble-mindedness.

Feeble-mindedness is a fourth contributory cause. No community has adequate statistics on this subject. "I feel that if all of our families who are a charge on outsiders were subject to the Binet Test, about fifty per cent. of them would be found to be subnormal."

Many of these men earn so little while at work, that they cannot maintain their families in decency, comfort and health. They can perform only the most routine operations and their maximum speed is soon reached.

This also accounts for many girls wandering from firm to firm; they are not mentally capable of remaining on one job for any length of time. Their age may be fifteen or eighteen, but they have the habits of a child of nine years.

"For the feebleminded, I have three suggestions: First, I would have a psychological test of every immigrant, as he enters the country; second, a psychological test of every pupil, as he enters the public school; third, institutional care for all those found feebleminded."

The feebleminded can be segregated and made useful along the lines adopted by the Vineland Institution in New Jersey. The State should educate the children of the State, irrespective of mental condition, and should give them a system of education suited to their mental ability.

Seasonal Employment.

A fifth cause of unemployment is seasonal occupation. One provision for seasonal workers might take the form of public works. "For instance, on our Government Crown Lands in the North, a good deal of timber could be cut in winter. I am not sure if it would be bad policy for the Government to retain control of some mines in the North, and work them in seasons of idleness elsewhere."

The seasonal demand for farm labourers could be removed, if farmers were led to build cottages for their men, and employ them by the year. "Our own Labour Bureau here had ninety-five married men experienced farm labourers; the farmers were clamoring for help, but had no houses for them."

Public Labour Bureaux.

The absence of Public Labor Bureaux is another cause of unemployment. These are permanently needed not only to register those out of work, but to classify them and discover their capacity. Vocational work might be linked with these Labor Bureaux. Social Insurance would be another safe-guard. "I feel that if we could work out a system of insurance so that his family were assured of an income, when the man was sick or out of work, or even if he died, we should prevent many from becoming unemployable."

Private Employment Bureaux should not be permitted to continue. The witness has discovered cases in which it seemed (though this cannot be proved) that foreigners were sent in relays, and discharged to make room for their successors, in order that as many fees as possible might be collected. Foreigners are also exploited by the keepers of boarding houses, and by padrones. The witness thinks that many men receive about $1.00 per day whose "boss" is given $2.00 or $2.50 for their labour. Men, with a knowledge of foreign languages, buy large houses and cheap furniture, and rent them furnished to these immigrants. The witness has found a man who paid $7.00 per month for one room. The system of charging in advance deprives these people of their home at the time

when they are poorest, and until the British Welcome League took up this work, the witness knew of no place in the city to which a family could go from the time when it was dispossessed until another home was found.

Work and Charity.

The witness started a small Toy Industry for his unemployed parishioners, and found that with materials worth $5.00, a man could usually make toys worth $12.00. This returns the cost of their materials for the next week, and a balance of $7.00 for subsistence. Only those toys are made which unskilled men can undertake. The business employs from twelve to fifteen men, and is working on a co-operative basis. A Saturday Meeting, to discuss cost sheets and new orders, sets aside fifteen per cent. for overhead expenses, and divides the rest among the men on a piece-work basis. "We have tried to demonstrate that it is possible to make in Canada, with the aid of machinery, in an 8-hour day, and at a wage at which Canadian workmen can live and bring up children, toys which heretofore have been made by child-labour in Germany."

The witness tries to help a family that needs help, with a ten-years' programme. This ten years' programme involves the co-operation of all the social forces in the city. It is carried out through the Neighborhood Workers' Association. Plans are made for each member of the family with a view to producing self-support. Classes in dress-making, millinery, shorthand and typewriting are provided, and others, which act as a feeder to the Technical Schools. If technical education were decentralized, it would command more confidence. It is difficult to lead some children directly to the technical school. They dread a strange, large institution. Their interest in manual work must first be roused, and technical education offered as a privilege. The witness thought that the cost of this system was less than that of ordinary poor relief, but stated that the complexity of the work would prevent a direct comparison. If all the public schools were open every night, this method could be followed at little cost.

Personal Causes of Unemployment.

The witness has found few instances in which unemployment was due to personal bad habits. In cases of drunkenness, he has always doubted whether this was the cause of unemployment, or unemployment the cause of drunkenness. "I believe there are many of us who, if we had the problems of these workmen, would want to forget them for awhile, and drown them in a glass of brandy."

Had there been no war, the situation would have been acute, and the past winter would have been the worst in many years. When the war came, it accelerated matters. The witness doubts whether, in his district, there has been an improvement since spring. The problem of medical attendance is the most serious of all. "I find that in many of our families, the first step down from normal living occurred at the time when the father first was taken sick. He found himself ailing, but could not afford $2.00 for the doctor. Before this money was available, he was prostrated. His income then stopped, and the doctor's bill replaced it. The family ran into debt; and when the father had recovered, this amounted sometimes to $75.00." To one of these families, a debt of this size is an insurmountable obstacle. It must economize to pay the bills. The first saving is in house room. The congestion produces sickness

among children, which may be contagious and lead to quarantine. In this case, the father cannot go to work, and the debt increases. The parents can see no possibilities of payment, and when this point is reached, they do not care what happens. Public medical service would solve this.

Mr. A. H. Burnett, Department of Public Health, Toronto, January 22, 1915.

There is a small pauper class in Toronto, most of whose members are known to the Police. Most of them are English; some are native Canadians; some few are Americans, who have crossed the border. There is a great deal of ignorance among them. Some can neither read nor write. The witness cannot attempt to estimate their numbers. In Canada the tramp class is proportionally not as large as in the United States.

It is impossible to say to what extent drink is responsible for unemployment. It causes much suffering, but often the drinking man is a most efficient worker. Men in irregular work are often in continuous receipt of charity. The witness considers that, in normal times, those who get most relief are casual labourers. Their wages are small, and if they lose a day or two, they find themselves in destitution.

Apart from the paupers, unemployment in Canada is an urban problem. The witness made an investigation in the fall of 1914, and found that except in the Northwest, there was practically no unemployment throughout the small towns. It is impossible, without a complete census of the unemployed, to know how many of those in Toronto come from Western Canada. The movement across the border is seldom large in either direction. During the winter of 1913-14, when industry was depressed in Cleveland, Detroit and Buffalo, there was a very large influx from those cities.

Employment Agencies.

The City has established an Employment Bureau, which moves on Wednesday to North Toronto, and on Thursday to West Toronto. At present, it does little more than register those who want work. Few jobs are found for them, and no great effort is made to find employment.

In addition to this, both Dominion and Provincial Governments have Immigration Bureaux in Toronto. These have recently relaxed their regulations, in order to find work for the native unemployed, as well as immigrants. The demand for farm help is brisk. The railroads give a rate of one cent per mile for farm labourers. Competent workers without means are advanced their railway fare. The wages are small on the farms, and the married man with children finds it difficult to secure employment in the country. The housing problem is a further difficulty. The social life repels many, who have been used to the cities.

Neighborhood Workers' Association.

The relief of destitution in Toronto is the business of the Neighborhood Workers' Association. No considerable creed remains outside; but some churches do so little in relief, that they think it a waste of time to attend the meetings. Some, too, who have religious scruples hold aloof. The witness does not think these bodies should be compelled to join. "You cannot legislate a co-operative spirit."

It would not be possible from the records of the Neighborhood Workers' Association to prepare an accurate statistical estimate of the sum spent in relief. The witness doubts whether some charities would report their expenditures. The Neighborhood Workers' Association has no power to require reports, except from bodies which receive a civic grant.

Social Service Commission.

The continuous administrative work for the Neighborhood Workers' Association is done by two Secretaries, paid by the Social Service Commission. A committee was first appointed by the City Council to enquire into the efficiency of institutions receiving civic grants. It was decided to continue this, as the Board of Control could not investigate these institutions. The Committee was therefore transformed into a Commission with, in addition to its former powers, the management of the Municipal Lodging House, and the charge of Outdoor Relief. A condition of membership is that no person shall be connected with any social institution in the city: thus a highly skilled profession is under amateur direction.

In connection with its work, the Social Service Commission has organized a Confidential Exchange in which all who receive relief are registered. This is of no use for purposes of study, since records are only sufficient for identification of the cases. It gives the name and address of the person, the number and ages of his children and one or two other items. It keeps no record of unemployment in a home.

Municipal Lodging House.

Within the limits of its financial grant, good work is done at the Municipal Lodging House. It has room for ninety-five inmates, who, if unemployed, pay nothing for accommodation. Men receiving wages pay forty cents per day. The House used is the Pavilion of the Old General Hospital. It has been over-crowded since the fourth night after its opening, and men have been sleeping on the floor. The system of fumigation is somewhat primitive; and its renovation would cost a great deal.

The Municipal Lodging House does the same kind of work as the casual ward of the House of Industry: only in its work test does it differ. In the House of Industry, the work test imposes stone-breaking which is difficult and out of date. At the Municipal Lodging House, the men saw wood. The witness would like to give each man the kind of work for which he is most suited. Each institution of this kind should be managed in connection with an efficient labour bureau.

For unemployed workmen in the city, who need Outdoor Relief, the city maintains a Relief Officer. When he approves a case, he notifies the House of Industry. All civic Outdoor Relief is administered through the House of Industry, and the House of Providence.

At present there is not sufficient method in the work. Some get relief who should not receive material help at all. There are many unfortunate people in the city who should be restored to self-respect; but we send them to the House of Industry.

Constructive Suggestions.

The witness would replace the Social Service Commission by a Department of Public Welfare, analogous to the Department of Public Health. A Committee of Aldermen would voice the popular need, and could ask for financial grants or defend its policy before the public.

In this Department of Public Welfare, separate divisions should be organized for Municipal Lodging Houses, Outdoor Relief, Employment, etc. Each of these should be placed in charge of trained workers. "I hope and believe that at the University we are beginning to train students for social work in a way that will be very beneficial to this country. At the different Social Service classes at the University, we insist that our students do at least eight hours of practical work every week." If all the churches and other organizations would abstain from relief work, which is a subsidiary factor in their life, the problem might comprehensively be faced. This is impossible at present. The main thing is to better the quality of the work done by individual churches, and give them higher standards. That is what the Neighborhood Workers' Association tries to do.

At present much unnecessary relief is given. There are two kinds of people receiving it; the sick and infirm, who can be cared for by the Department of Public Health, and the able-bodied who should be working, and receiving no relief. The witness does not advocate the development in Toronto of the Elberfeld System. Elberfeld has never had sufficient almoners. No man can spend his days in business, and undertake the care of several families at night. Moreover, with its enormous machinery the system is likely to become bureaucratic. A more elastic system is represented by the Bureaux de Bienfaisance of France.

Unemployment Insurance.

Insurance against unemployment is excellent on its face; but it has dangers. In England, where it has been established, a man may not leave his position and claim unemployment benefit. He must be discharged. This means that workers must sometimes submit to great indignities knowing that if they leave their work they penalize themselves. It provides employers with a chance of penalizing "agitators."

Rev. Peter Bryce, Earlscourt, Toronto, May 10, 1915.

Earlscourt is a very large suburb of Toronto and its population is composed mainly of people from the United Kingdom, with about twenty per cent. Canadians and Newfoundlanders. The people represent chiefly the industrious working class and the majority either own their property or are in the process of doing so. The District is a concrete evidence of the adaptability of the Englishman if given guidance and opportunity, and the helping hand in the first two years of his residence in Canada. The morality of the community is of a high order.

Unemployment.

There has been since the inception of the District eight and a half years ago, considerable unemployment. As we consider the history of the community, unemployment has been as a grim spectre and in its train there have followed moral and spiritual evils. We have recognized it also as the cause of much sickness due to lowered vitality consequent upon insufficient food. "I find that the average wage of unskilled labour in Earlscourt is $9.60 or $9.75 per week; so much time is lost between jobs, or by wet days, or in cold weather."

Immigration.

Unemployment, of course, may be traced to many causes, the most immediate amongst them, as far as this District is concerned, being depression in trade, seasonal employments and a lack of policy in immigra-

tion matters. The agents in the United Kingdom and other places have, without discrimination, sent men to Canada; consequently, many have come who are quite unsuited by training and environment for the work here. Many skilled men at home have swelled the ranks of labourers here because they were engaged in industries not represented in our country. Such men, in many instances, would have done better at home.

"I have seen, I presume, 200 people every week this winter, and have embodied their record in my notes. When I ask them, 'What did you do in England' (or Scotland, according to the case), perhaps three out of five mention some branch of trade that we have not. In Canada these men find themselves unskilled. Most of them are ready to adapt themselves, and I have thought it unfortunate that there is no means of telling the men exactly what trades we have here, and what class of men we want. There are some who really should have stayed in England; and I think, if they had the knowledge that they needed, they probably would not have come."

A comprehensive system of Labour Bureaux is a necessity if we are to adequately meet the needs arising from immigration. The Bureaux might have many ramifications including jurisdiction as far as possible over the agents in the United Kingdom as to the class of men required here, and also a system whereby the men on arrival might be guided in regard to suitable employment. There are great potentialities in a Labour Bureau with a comprehensive programme.

The Land Problem.

It is evident many men have been attracted to Canada by pictures of beautiful farms shown by the agents. It is also clear that they are led to believe it is comparativey easy to acquire a small farm and make a good living thereby. They quickly realize, however, that it is exceedingly difficult for a man without capital to become a successful farmer. If, after several years, they secure enough money to purchase a small farm, they are very severely handicapped for the lack of equipment. I have observed in many cases in the past eight years, men who have sold their little properties and gone to farms and only a small proportion have met with success.

Provided the men were carefully selected, the Government would do well to consider some form of pecuniary assistance to prospective farmers, repayable within a certain period.

Mr. R. H. Coats.
Editor of the Labour Gazette,[1] Ottawa.
Mar. 18, 1915.

There are numerous employment bureaux in Canada, but nothing which can be called a System of Labour Exchanges. The Immigration Branch of the Department of the Interior has about 160 men who are practically employment agents working on commission. In addition, the Branch has permanent representatives in about thirty localities, a large part of whose work consists in the distribution of immigrant labour. Recently they have found employment for non-immigrants as well.

Existing Employment Agencies.

The two "Systems" of Labour Exchanges are provincial in Ontario and Quebec. These are not extensive. In Ontario, the Provincial Government pays six agents $25 a month to do the work.

[1] At the time of giving evidence, Mr. Coats had not yet been appointed Dominion Statistician.

There are about 300 private employment agencies in Canada. They placed about 200,000 workers in 1914; but this does not mean that their work was effective. "Part of the effectiveness of a Labour Exchange consists in the number of men they place, but to my mind, the more important part is in the study which it makes possible, of the general problem of unemployment." The private employment agent is unsuited for the latter purpose. The interests of the private agent may be opposed to the public welfare. When a private agent places a man, his interest is to have him leave his work so that there will be another place for him to fill. The relief of unemployment is not his mission. The records of the police courts show that, from a narrower point of view, his operations leave something to be desired. "The situation became so bad in regard to immigrants, that in 1913 the Government stepped in with an Order-in-Council designed for their protection. Of course this is liable to evasion. For instance: an immigrant comes to an employment agent for a job and is asked how long he has been in the country. If he has been told to say that he is not an immigrant, he will probably get a job. The fee for immigrants is only $1."

The Municipal Agencies, which are necessarily isolated, are almost always connected with eleemosynary institutions, or local relief societies. Relief work without accurate knowledge of the situation is attended with dangers; nevertheless, a Labour Exchange *per se* should have nothing to do with relief work.

Constructive Suggestions.

The systems of Massachusetts and Wisconsin merit detailed study. They deal with conditions very similar to those of Canada. In Wisconsin the harvest labour problem resembles that of the Canadian West. "A Labour Exchange System should cover the entire labour market of the country. The five great reservoirs of labour in Canada, the cities to which the unemployed chiefly gravitate, are Montreal, Toronto, Winnipeg, Edmonton and Vancouver. Each is in a different province. Only an interprovincial system will connect them; but it does not follow that such a system can best be originated by the Dominion. The German and Swedish national systems were evolved out of municipal beginnings."

The witness tentatively suggests that an effective start could be made by the Province of Ontario. The southwestern peninsula of Ontario is to some extent isolated. It is the home of a most important agricultural and manufacturing population, and should be an excellent field in which to make experiments. Toronto would provide a nucleus.

Accurate measurements could be substituted for mere speculation on the seasonal demand for labour in harvesting, fruit picking, canning, dock work, etc. "This or some such method seems better than following British precedent and attempting a Dominion-wide scheme from the outset."

The Movement of Labour.

Each year from 15,000 to 35,000 workers go West to harvest the crop. Till lately, the West was glad to have the men. Many went in this way to spy out the land, and stayed there. Now, however, the West complains that they do not return eastward when the crop is gathered. In 1914 about 18,000 went out. In the previous year there were 35,000 or more: the year before that there were 30,000; eight or ten years ago, there were only 15,000. Such a movement is of course interprovincial, but it is not

necessarily best dealt with by creating centralized distribution machinery in the first instance.

The Canadian workman seems to move more freely than the British. This is one reason why the co-operative movement has not made progress in Canada. If someone was appointed to study the drift of harvest labour, one of the first results would be accurate knowledge of the friction and wastage involved in such a movement.

Need for Expert Administration.

"This country, like all new countries, does not appreciate the high technical nature of its problems, and the necessity of having trained men undertake them. This is the first thing a Labour Exchange System will have to combat—lack of appreciation of its real mission, its real objects and its necessary limitations. At the moment, if such a plan were brought forward, it would be seized upon as a cure for present unemployment, which of course it is not. It would be a great handicap to any movement of the kind, to be introduced at a moment like the present when it would most certainly be misunderstood."

As soon as the present situation began to develop, The *Labour Gazette* made special arrangements for investigation. It has a correspondent in every city with a population of more than 10,000, who makes a monthly report of conditions in the labour market. These correspondents are paid from $150 to $200 a year. In many cases, the secretaries of the local Trades and Labour Councils do the work.

Borrowings in Canada.

Unemployment appeared when the effects of the Balkan Wars began to divert the stream of capital that had been flowing into Canada. With it, the high cost of living assumed a new importance. The outstanding characteristic of the previous development in Canada was the growth in the supplies of capital and labour. This was due to the opening of the West, which prospectively doubled her agricultural potentialities. About 1902 England began a great export of capital. Since 1907 she has loaned over $5,000,000,000. When it is stated that Canada received a full quarter of this, most of which has gone into plant, the reason for our abnormal condition is apparent. Canada has borrowed abroad, since 1900, nearly $3,000,000,000. Railways have absorbed $1,250,000,000, manufacturing plants about $1,000,000,000 and the building of towns and cities, with their equipment, has taken hundreds of millions more. The need of the moment is production. Canada is primarily an agricultural country, yet while these vast sums were spent on secondary production, only about $500,000,000 was taken for farm capital. Moreover, the earning power of capital seems to have declined in agriculture, but to have increased in manufactures, railroads, and the like, during this period.

Growth in Population.

Since 1900, the growth in population i.e., labour force, according to the Census, has been 45 per cent. No other country in the world has such a record. In Great Britain the growth was 9 per cent. or 10 per cent., in the world as a whole, 6 per cent. or 7 per cent. Between 1900 and 1910, the Immigration Branch records an influx of about 1,700,000 persons; but the Census shows for the same ten years, an increase of only about 950,000 in the number of the foreign-born. "The immigration figures are possibly high, but I believe that a part of the discrepancy was caused by the large amount of floating labour, that has been at work on our constructive enterprises."

No records are kept of men who leave the country. These should be made, though our relationship with the United States makes this difficult. The witness does not think that there has been, until recently, a large drift of labour to the south. This opinion is based on an examination of remittances by money orders to countries like Austria, Italy and Sweden. These are largely composed of savings sent home by immigrant labourers. A chart including the movement of immigrants, and the growth of these remittances, shows that the curves go side by side. "This labour has stayed for a while at any rate in the country and I am inclined to say that the increase in the number of labourers including 'temporaries' since 1900 has been 50 per cent. to 60 per cent. instead of the 45 per cent. which the Census shows."

Changes in Occupation.

In 1900, 40 per cent. of the labour of Canada was engaged in agriculture; in 1910, the percentage was only 34 per cent. Fishing has shown a similar decline. Transportation as well as forestry and lumbering has doubled in relative importance. There has been an increase of 74 per cent. in the numbers employed by manufacturers of mechanical and textile products. In the manufacture of food and clothing, there has been a relative decline. The numbers engaged in trading and merchandising have advanced by 76 per cent.

Thus, though larger numbers were absorbed in farming than in any other occupation, agriculture has relatively declined. In 1900 the urban population formed 37 per cent. of the whole. In 1911 it was 45 per cent. The urban population increased in every province, most markedly in Ontario and Quebec. The rural population increased only in the West and in Quebec. In this province it declined.

The rise in prices has greatly obscured the facts here. The popular method of measuring production is by values. In agriculture, the value of products has increased; but in quantities, outside the cereal production of the West, and dairying in Eastern Canada, there has been little progress. Meanwhile, the manufacturing output has been doubled, railway gross earnings have increased by 150 per cent., and electric railway earnings by 200 per cent. It is a reaction from this, that has created the present situation. "For the moment we must cease providing ourselves with more equipment. England, which has been sending us the capital, wants now to see results."

Collection of Statistics.

The first result of the war was demoralization. This occurred in August. Then readjustment began. With the signing of peace, there is often a period of good times. This at any rate occurred after the Crimean War, the American Civil War, the Franco-Prussian War, and some more recent conflicts.

The collection of statistics is assigned by the British North America Act to the Dominion Government. This, however, does not preclude the publication of statistics by Provincial Governments and Cities. The British North America Act only states that the co-ordination of statistics, for the nation, belongs to the national government. It is a duty which so far has been imperfectly fulfilled, though the way to better things was paved by the Departmental Commission, which reported on the subject in 1913. This Province already demands information from the manufacturer on matters concerned with accidents, and has the right to demand more information as it needs it.

Dr. Charles Copp, Medical Officer of the House of Industry. Toronto, June 25, 1915.

This witness has been for thirteen months Attending Physician to the House of Industry, Toronto, and for nine years was a member of the attending staff of the House of Providence, Toronto.

When he receives a telephone message or other intimation that someone in the casual ward of the House of Industry is ill, the witness visits the ward, inspects the patient, and, if his condition is such as to warrant hospital treatment, he sends him at once to the General Hospital. If his condition is not serious, treatment is given on the spot.

Absence of Records.

No record has been kept of diagnoses made before sending vagrants to the Hospital, nor has it been suggested to the Hospital Authorities that they keep separate records of cases sent from the casual ward of the House of Industry.

Disease among Vagrants.

He finds that the people who frequent the House of Industry suffer chiefly from cardio-vascular disease, and affections incident thereto. This involves kidney and liver troubles, emphysema and dilation of the heart. He also meets with bronchitis, acute and chronic, pneumonia and pleurisy, genito-urinary troubles and diseases of nutrition, such as rheumatoid conditions and indigestion.

The apparently abnormal death rate among vagrants, at the close of middle age, is probably the result of the life which they have lived. The mental anxiety which this class endures, as to where it shall lay its head at night, and gain its nourishment, together with the irregularity in time, quantity and quality of food consumed, and the general conditions of life encountered outside of institutions, undoubtedly has a strong bearing on the expectation of life of this class of people."

Constructive Proposals.

The witness thinks that if vagrants were segregated on an Industrial Farm, the regular life would restore them to some measure of efficiency. He is convinced that, if the right people were in charge, people of the vagrant class could be made to produce the whole of their up-keep. He would suggest that commitment to such a farm should be for one year, governed by conditions developing in each case. Indeterminate commitment would be better still.

Mr. Edwin Dickie, Secretary of the Social Service Commission. Toronto, February 23, 1915.

Before the Social Service Commission was founded, grants were being made, without sufficient investigation, to charitable bodies. A number of institutions were unincorporated. No two charged up the same items against their maintenance accounts, and there was duplication in their work. In March, 1911, the City Council of Toronto appointed a Charities Commission, which consisted of fourteen men identified with charitable work (including one Controller and two Aldermen), to investigate all institutions receiving civic grants, and to choose some form of Central Bureau, to distinguish in future between deserving and undeserving institutions.

The body now charged with this work is the Social Service Commission. Between November 5th, 1912, and December 31st, 1914, this has cost $11,868.60.

The volume of civic expenditure made on the advice of the Social Service Commission was in 1914 $156,234, and in 1915 will, probably, reach $175,000.

Endorsation Cards.

An important task of the Commission was to prevent imposition on the public. With this in view, a system of Endorsation Cards has been devised. When an institution has been investigated, and its work is considered satisfactory, its management is given a number of cards, which read as follows:

> "This is to certify that the Social Service Commission of Toronto has investigated....., which solicits during year $..... The Commission believes it to be worthy the support of those who desire to further its aims, etc."

The Commission has endeavored to educate the public to contribute only to those institutions whose collector produces an Endorsation Card issued by the Commission. The Board of Trade has taken up the matter, publishing from time to time lists of institutions with its endorsation. Many members of the Board of Trade guide themselves, in giving, solely by the recommendation of the Social Service Commission.

The form of application for endorsement which the management of institutions must fill in before receiving an Endorsation Card, shows at the end of the year receipts and expenditures, number of persons receiving benefit, and other information of value to the commission in calculating the cost. These institutions also prepare an annual report in which this information is supplied in detail. The Commission does not include among its data the voluntary work of visitors for charitable societies.

Child Welfare.

"In the children's institutions, we have a history form which gives the history of any child in any welfare institution in the city, as well as the history of the father and mother, and indicates, among other things, the earning power of the parents; if immigrants, what agent brought them to Canada; how long in Canada; mental condition of inmate; and whether the parents of the child were married or single."

The Commission found that many parents in the city were shifting their responsibility to these institutions. After thorough investigation, these cases were brought by the Commission before the Boards of Management, and the result was that many children were returned to their homes. The Commission takes the ground that no child should be in an institution unless it is absolutely necessary.

When the Commission began its work, some of the child welfare institutions had no proper record of parents' addresses. "In one institution, fifty per cent. of the addresses were wrong, and if a child of one of the families, whose address was unknown, had fallen ill, or died, it would have been practically impossible for that institution quickly to locate the parent, who, nevertheless, was coming regularly every month to pay the sum promised for the maintenance of the child."

Investigation has not, so far, resulted in any prosecutions. The Commission has no right to interfere with the internal management of insti-

tutions. An extension of control might result in a strong demand in favor of civic maintenance and management. "There is a tendency in certain circles to have the City control, maintain and operate these different institutions, and take the cost out of the general taxes."

Only one institution, which received a grant before the Commission was appointed, has since then been disapproved. Six organizations not receiving civic grants, which have collected through the City, do not receive Endorsation Cards.

The Card of Endorsation has saved the public a considerable sum of money. One Home, in 1914, applied to the Board of Control for a grant, and had a strong interest behind it. The Commission investigated its condition and its report was placed in the hands of the Medical Officer of Health. When the Department of Public Health had finished with this institution, it was in the Police Court. The Commission has investigated this Home again, and finds that since its exposure, it has become one of the best so far as equipment, administration and records are concerned. It does the same work, but it does it well.

In another institution which was investigated, eleven or twelve inmates were found whose nearest relatives were able to support them; some were worth $50,000; one (a brother of the inmate) was worth $75,000; another (a sister of the inmate) was worth more than $100,000. These inmates were maintained by City Order.

Jews and the House of Industry.

On behalf of the Jewish population representations were made to the Commission that they did not desire relief to be supplied to Jewish families through the House of Industry, being prepared to look after their own. The Commission agreed, and also that a larger grant should be recommended for the Co-operative Board of Jewish Charities, but not to the extent desired. The Commission based their recommendation upon the amount of actual relief given, and not upon the amount of monies loaned on payments for rent.

The Commission aims at preventive work and plans for the future of families. "We know that in two years and two months, we have made a very big change, and Toronto is further advanced in institutional work than many of the cities of the United States, where the same sort of work has been carried on for eight or ten years."

"The distribution of relief so far this winter has undoubtedly been better done than during any winter heretofore."

Neighborhood Workers' Association.

The Neighborhood Workers' Association has three offices, one in the East, one in the West and one in the North of the City. Each of these offices will have a Secretary appointed and paid by the Commission. The Secretary must have received a training before her appointment. The duties of a Secretary are:

1. "To be the responsible officer on behalf of the Social Service Commission, in the supervision, as far as possible, of relief work;

2. "To keep the Commission informed from time to time of the progress of the work;

3. "To have charge of the office of the district and to be responsible for all the work in connection with the office;

4. "To keep records and histories of all cases and to report such to the Confidential Exchange;

5. "To attend the various meetings of the subdivisions of the district and to act as secretary at such meetings;

6. "By suggestions and example to teach the untrained workers where inefficiency lies and how to remedy such inefficiency.

7. "To aim at preventive work and plan for future of families, as well as seeing that emergency relief is given;

8. "To advocate follow-up work with families;

9. "To see that proper investigations are made;

10. "To make family rehabilitation and constructive work the object:

11. "To give advice along various lines of social work generally;

12. "To represent the Social Service Commission at all N. W. A. Meetings, including the N. W. A. Council;

13. "Orders for second relief when considered necessary to be given through the Secretary, and in this connection to see that satisfactory reports are sent in of the families relieved."

The witness considers that the Confidential Exchange keeps adequate records of the people listed in it. No information is needed more than the minimum which will identify the family. The practice of Chicago and Cleveland resembles that of Toronto in this respect, and the plan adopted in Toronto was devised only when these American cities had been visited. "When every social agency in the different districts is represented in the Neighborhood Workers' Association, and every case that may be taken up by an officer or any worker attached thereto is reported, then the Secretary of that district will have a complete history of all such cases. That is where family histories should be—in these three distinct offices."

Mr W. A. Douglass, Member of the Tax Reform League. Toronto, October 5, 1915.

If this world, or the valuable parts thereof, are placed in the exclusive possession of one part of humanity, with the power to exclude their fellows therefrom, at once there is established a despotism of class against class. Humanity is divided into two parts, in antagonistic relationship to one another.

The one class will hold the keys to the treasures of the earth, they will control all the means of employment, they will possess the power of life or death over their fellow men. To them must come the rest of humanity, to beg as suppliants for the chance to live. If it suits their interest or their caprice to allow their fellows an opportunity to work, then labour will have a chance to produce prosperity; but if they decide to keep millions of acres in idleness, they have the power to refuse the humble petition and force the labourer into unemployment.

Since the disappearance of the old system of common ownership in the land, that one part of society should have the power to charge their fellows, not for services rendered, but for access to the land, has been recognized by the vast majority as quite equitable. But when we see how this relationship divides society into toilers and spoilers, into enrichers and impoverishers, into producers who exercise every ingenuity to flood the markets with the richest abundance, and into parasites, who deprive industry of the prosperity which it produced, and when we see

further, that this imposes all the burden of supporting society on one part of the people, thus keeping industry all the time close to the borderland of poverty, while the favored owners of the valuable lands, forests or mines may revel in wealth won from the toil of the poor, then it becomes our duty to ask if this arrangement accords with the rights of brotherhood. Does not the idea of something for nothing strike the conscience as belonging not to brotherhood, but to lordship and servitude?

It is this maladjustment of society that causes, principally, the periodic collapse of industry and the problem of unemployment.

No Unemployment in Pioneer Times.

In the early history of this country the pioneers plunged into the forest with their few and poor roads, often at long distances from the market, without any railroads and with very little capital, beyond their brawny arms and their stout hearts. They converted the wilderness into a land of civilization. There were many disadvantages; but there was no unemployment.

In those days of cheap land and low taxes, it was very easy for a man to become his own employer. He was under no obligation to go as a humble applicant to "beg his fellow of the earth to give him leave to toil."

If there was no difficulty in obtaining employment when the country was so poor and the difficulties so immense, why should there be such a thing to-day? As wealth increases, must we necessarily have an increased mass of poverty, a host of men excluded again and again from the possibility of earning a living?

Sparse Population of Canada.

In England the population is equal to upwards of 600 per square mile, one to every acre. The area of Canada is nearly 3,730,000 square miles, nearly equal to the whole of Europe, while our population is only about 8,000,000—a little more than two per square mile. If one-third of the land of this country is Arctic and mountain waste, the remaining two-thirds would still allow only three people to the square mile. There is, therefore, sufficient good land to allow each person 200 acres, or a thousand acres per family of five. With the same density of population as that of England on two-thirds of the land, our population would amount to 1,600,000,000, a number nearly two hundred times the present population. Whatever truth there may be in the theory of Malthus, it cannot apply to Canada. With such an abundance of opportunities, why should there be such a thing as unemployment?

In the development of this country, the people who flocked hither came with two opposite purposes.

How Speculation Hinders Progress.

The farmers, the builders, the mechanics and the merchants came to turn the desert into a garden. The speculators secure the land, to forestall the settler. Not a town developed, but the speculators were there to subject industry to spoliation and to saddle it with everlasting mortgages. As the town grew, the price of the land was frequently carried by wild speculation up to such figures, that in many cases it was impossible for legitimate business to pay the tribute and live. This process has been repeated again and again, with the result that disaster and paralysis of industry have recurred every ten years.

Unfortunately the methods of taxation have been such as to arouse this spirit of speculation to the wildest intensity, affecting the people

periodically as a mania, leading them to bid up the price of the land beyond all reason. After the introduction of the railroads, one of these manias spread over this continent, so that the price of the best quarter acre in the City of Chicago, which sold in 1830 for $20 bounded up till it sold in 1836 for $25,000. How far this exceeded its true value for business purposes is shown by the fact that this same lot was valued in 1842 at only $1,000.

So severe was the collapse that a bread riot broke out in New York, in which the warehouses were gutted. On May 10th, 1837, the City Banks suspended payment, and the county banks followed suit a few days later. Trade also was necessarily suspended and labour compelled to walk the streets in idleness.

During the Russian War in 1854, 1855 and 1856, wheat rose in price to upwards of $2 per bushel. At the same time, the Northern Railroad, the Grand Trunk and the Great Western were constructed. These and other enterprises brought such prosperity to the country, that a speculative mania swept the continent. After the conclusion of railroad building, and the close of the war, when the advantages of cheap transportation and peace should have brought prosperity, the price of wheat dropped to less than a dollar, the crops failed, and in 1857 there was a financial collapse so severe that the banks of New York, Boston, Philadelphia, and other cities suspended payment. The building trade collapsed. It is no exaggeration to say that in many cases more than half the workmen of the cities were forced into idleness.

The present method of taxation begets the speculator; the speculators beget the "booms"; the booms beget the bankrupts, and bankruptcy begets the unemployed. With increased prices the building trades are bound to collapse. When men are thus forced into idleness, it is impossible for them to purchase clothing and other goods. This leads in its turn to collapse in other industries. Thus disaster follows disaster as the fruit of an unjust and unwise system of taxation.

The Growth of Cities.

While the population of this continent has been doubling every twenty-five years, the civic population has doubled every ten years. Thus while the civic population has increased with abnormal rapidity, the rural population in the older settlements has in many cases seriously diminished, so that there are fewer people to the acre than there were fifty years ago.

To find ten thousand people to the acre, which is possible during the rush hours in the largest cities, and then to find less than ten people to the hundred acres in rural districts has the appearance of a very serious disproportion.

In the largest cities of this continent, the value of the land has risen to millions of dollars per acre. It would not be difficult to name families who through this growth of land value have become millionaires many times multiplied. These families get wealth without work, the rest of society therefore must do the work and surrender the wealth.

When the best acres in this city rent at from ten thousand to three hundred thousand dollars yearly, and then when statistics show that the average wage for labour is less than five hundred dollars yearly, there arise two questions of the first importance—First, who pay the taxes,

the people, who by their industry keep up the supply of wealth, or the people, who by the extraordinary privilege of charging their fellows for living on the face of the earth, may enjoy all the luxuries of civilization without any of the labour? Second, who get the protection, the people who get but a fraction of what they honestly earn, or those who get fortunes, which cost them no effort?

Intermediate between the land owners and the labourers. there are, under our present economic relationship, the employers of labour. Many of these are men of comparatively small capital who can carry on their industries only by resort to the banks or other financial institutions. In order to secure a proper location for their business, these employers are subject to a greater and greater charge for the land. Periodically this charge rises with great rapidity, so great indeed, that it forces many of them into bankruptcy.

When the employer is compelled to dismiss his men, the workmen are turned out helpless in unemployment.

While we profess to have a large quantity of free land in this country, there is in fact no free land. The so-called free land is subject to excessive taxation. In this Province the settler must not only pay the tax on the value of his land, which is quite right, but he must pay an additional tax on every improvement, and on a large part of his purchases, which is a fatal mistake. When his crop goes to some commercial centre to be exchanged, it is subject to a tribute to the ground lord, often amounting to thousands of dollars yearly per acre. This double imposition has been so disastrous that thousands of farmers have been sold out year after year by mortgagees. At many periods, the number could not have been less than two or three thousand yearly.

The Tariff and the Farmer.

In addition to local taxes, the farmer must in numerous subtle ways. pay indirect taxes to the general government. In many years this tariff tax, after the importer and the retailer have added their profits, twenty per cent. to the one and thirty per cent. to the other, could not amount to less than fifty per cent. This means that often he had to surrender every third bushel, or every third day's labour.

In some of the western provinces, improvements are not taxed: but on the man whose farm is mortgaged to the limit, the tariff and the tribute to the owners of the business centres bear with great severity.

With the tax placed so that there would be no profit for people to hold land in idleness, then when profit could be obtained only by employing labour to put the land to its best use, the demand for labourers should be so great that unemployment would practically disappear.

Mr. Robert Edgar, Secretary of Ontario Bureau of Labour. January 28, 1915.

The appropriation for the Ontario Bureau of Labour is $6,370. The Bureau receives many enquiries from institutions and individuals seeking information. It supplies the Labour Unions with rates of wages, paid in different trades throughout the Province, a directory of international and local organizations, sick and death benefits, information of strikes throughout the Province, increases and decreases of wages in the Province and suggestions from Labour organizations.

The Free Employment Offices.

The Free Employment Offices, maintained by the Provincial Government, are in charge of the Department of Labour. These are seven (7) in number, one having been opened in May, 1915. New offices are opened by order of the Minister of Public Works. The managers are paid $300 per year. Their expenses for postage and stationery, which are small, are met from the contingency fund of the Bureau of Labour. The managers have not had any special training that the witness is aware of before receiving appointment. There are no printed instructions for them, but the witness instructs as to making records, etc., and through correspondence from time to time. Managers of local offices combine their work as employment agents with private occupations.

The only method of checking the quality of their work is through returns which they make to the Department.

There are no means of rewarding an efficient manager.

The cost of the Public Employment Offices, calculated on a basis of situations found, was, in 1907, $2.95; in 1908, $3.38; in 1909, $2.33; in 1910, $1.63; in 1911, $2.36; in 1912, $1.41; in 1913, $1.23 and in 1914, 95c.

The Ontario Bureau of Labour has no connection with the Department of Labour at Ottawa, or the Immigration Department, any more than a friendly connection in cases where applicants for farm labour are placed with the Immigration Department.

There is no rule governing the attitude of Public Employment Offices to capital and labour.

The men who register at present with the Public Employment Offices are of a mixed character, union and non-union. No card index system is kept in connection with these registrations. The witness does not know what information agents or managers secure from applicants before giving them employment. To the best of his knowledge, no follow-up information is secured regarding applicants.

The records kept by the managers of Public Employment Offices do not show what proportion of applicants for work are foreigners.

Any information received by the Bureau of Labour from either the Labour Unions, Manufacturers or Municipal Clerks is voluntarily supplied.

The Bureau of Labour does not exercise any supervision over private Employment Bureaux, nor does it co-operate with them. The witness would approve of legislation abolishing the private agencies. He would advocate Provincial Labour Bureaux, since the Provinces with their smaller territories could control such Bureaux more easily than the Dominion Government.

Mr. Rhys D. Fairbairn, Chairman of the Ontario Association for Technical Education. Toronto, May 5, 1915.

The Ontario Association for Technical Education tries to develop the practical instruction of children in all the Public and High Schools and Collegiate Institutes. It would, nevertheless, not be a fair summary of its work to say that it devises ways and means of carrying into effect the recommendations of the Royal Commission on Industrial Training and Technical Education. The Report of the Commission was not wholly wrong, but its method created confusion. It has not

led to legislation of any kind. The Association was, therefore, compelled to make its own programme.

Its first object is to persuade the public that lack of education causes a great deal of unemployment. The means of development has been provided in Ontario by the Industrial Schools Act, which needs only to be used. The Association is in communication with every Province in the Dominion and tries to get the public everywhere to realize the necessity for legislation of this nature. Industrial Schools Act.

The Minister of Labour has been asked for a similar amount to that mentioned in the Report of the Royal Commission ($33,000,000) for the promotion of technical education in the Dominion. The witness thinks it essential to secure Federal assistance.

The witness knows of no trade which does not have to import skilled labour; yet 200,000 boys and girls go to work of some sort every year in Canada, of whom a very small portion have any definite vocation. Many boys in the small towns take the first job that offers. "In every factory there is a large floating population, not quite skilled enough to hold a job, and the minute trade gets slack, it is laid off."

Provided that agriculture, fishing, mining, etc., continue to develop and provide a market, Canadian industries can absorb these new supplies of labour. The development of export trade, which has been discussed very fully by the Manufacturers' Association, will not only make this absorption easy, but will make for steadier employment in uncertain times.

The Ontario Association for Technical Education urges every town to form a local association for the development of technical education. "We get the parents and the men of the town interested first. We get the Mayor and the Principals of the Schools and the Library Board and the Board of Trade. There are thirty-four schools in Ontario in which industrial work is taught."

The success of the movement is due to manufacturers in practically every town. Some have adopted the plan of placing their boys for alternate weeks in school and factory, but it is difficult to say how far this arrangement can be developed.

The witness does not believe that vocational guidance can be left entirely to the parents. It must be done in the school. "When we get a child in the Technical School, we surround him for two years with the right environment and a good general education, and then the teachers must guide the boy or girl in the channel for which he or she seems best fitted." Elaborate machinery would be useless for this purpose.

The fact that most of the teachers in Ontario are women does not involve any special difficulty. Some of them have a talent for this work. Whether a woman teacher is best suited or not for the purpose, it is difficult to get men because of the salaries that are paid. With older boys, men would be preferable to women.

The witness does not favour a proposal that the Federal Government supply houses for suitable teachers in the country, as a means of overcoming this difficulty. He considers that this would be costly, and would destroy the individuality of the teacher.

Mr. A. B. Farmer, Member of the Single Tax Association. Toronto, October 5, 1915.

The relationship between idle land and idle men has been so often and so clearly pointed out that repetition seems superfluous. Yet the following specific instance may be sufficiently instructive to be worth quoting.

Several years ago, a gentleman in the Village of Clinton, Ontario, offered the witness two lots opposite the organ factory if he would build houses. He found there were no vacant houses, the factory needed more employees but could not secure them for lack of houses. Building materials and labour were available. He had almost decided to build when he turned to the question of taxes. He found general assessments very low, the roll having been copied year after year practically unchanged except for the addition of new buildings or improvements, which were usually entered approximately at cost. The rate was thirty-six mills. The prospect of a tax bill of $36 a year on a thousand-dollar house was too much. He figured that he could better afford to pay $300 for each lot, and then pay sixty mills on a $300 assessment than he could afford to take the lots as a gift and pay 36 mills on the buildings. He discovered that a high tax on buildings makes land so undesirable as to be valueless. He built in Toronto where the assessments are better and the tax rate on buildings lower. Those Clinton lots are probably still idle.

It may be asked whether even a sixty-mill rate on land values alone in Clinton would meet the needs of the municipality.

Would Exemption of Improvements Produce a Deficit?

If the exemption of buildings added three hundred dollars to the value of every lot the size of those offered the witness, it assuredly would. Just what is the value of the land in any municipality it is of course impossible to determine without a systematic appraisal, and how much the value would be increased by the reduction of taxes on buildings increasing the demand for land can perhaps be determined only by experiment, for while the advantage from reduced taxes on buildings may be readily figured as he figured it above, showing what a builder might be able to pay, it is not possible to determine exactly in advance how much less the holder of vacant land might be willing to accept rather than continue paying increased taxes. It is safe to assume, however, that the total value of the land in a community bears a fairly definite relation to the number, intelligence, thrift, and honesty of the population.

Appraisal of Land Value.

The only town in Ontario which to the knowledge of the witness has up to the present secured an accurate appraisal of the land of the town is Weston. This appraisal, made in the spring of 1913, under the direction of the Manufacturers' Appraisal Company, of Cleveland, who have done similar work for the municipal authorities of Cleveland, Columbus, Denver, and a score of other American cities and towns, showed the total value of the land of Weston, as calculated by figures set by the citizens of Weston themselves, to be $1,795,275. The population being at that time just about 2,000, makes the per capita land value $897.50. The revenue required at that time being about $30,000, could have been met by a rate of twenty mills. It follows that a city, town or village where the people are only one-third as intelligent, thrifty and honest as the people of Weston should be able to get along on a rate of sixty mills on the land value alone.

The first practical step toward the reduction of taxes on improvements and increasing the taxes on land as a means of promoting the use of land and thus increasing employment, appears to be the adoption of a practicable and effective method of determining land values such as was used in Weston. The method has proved so simple and so satisfactory where used, that it is worth describing.

The work in Weston was conducted under the direction of Mr. E. W. Doty, of Cleveland, who had had experience in similar work in American cities.

The first step was the preparation of a large map of Weston showing the street lines only.

A public meeting was called, the announcement stating quite truthfully that every citizen present would know more about the value of land in Weston at the close of that meeting than any one man knew before.

Mr. Doty opened the meeting with an explanation of the purpose for which the meeting was called. He pointed out that the value of any lot in a town was practically determined by three factors, size, shape, and location, or more properly perhaps, frontage, depth, and location. Where depth and location are similar, comparative value depends directly on frontage, a hundred-foot lot being worth exactly twice as much as a fifty-foot lot, unless something might be added, a small percentage for what is called "Plottage," or the advantage of having a good-sized lot under one control. Where frontage and location are the same, value varies according to depth, that is, a lot 200 feet deep is worth more than one 100 feet deep, though not twice as much. From study of sales and comparison of opinions, tables have been worked out to show the percentage of value added for each foot of depth from one to six hundred, so that once the value per foot front for a given depth is determined, it is only a matter of tables to find the value for any depth. Corner values are obviously influenced by the values of the intersecting streets. Different systems for figuring corner values are in use, that used by the Manufacturers' Appraisal Company being known as the Somer's System, and having proved very satisfactory. It remained for the meeting then to determine the value per foot front, one hundred feet deep, for the middle of each block in Weston, and the task of determining from those unit figures the actual value of each lot was merely a matter of clerical work.

The first evening, Mr. Doty began by inquiring which was the most valuable block in the town, and then, encouraging the freest possible discussion and expression of opinion, found the concensus of opinion and marked down on the big map the value of the land in the middle of each block in the town as a percentage of X, the highest value. A second meeting was called for the following evening. The map was left hanging all day to facilitate discussion. The next evening the figures were discussed again, but this time in terms of dollars. At the close of the second meeting the marks on the map showed the concensus of opinion regarding the value per foot front one hundred feet deep of the middle part of each block in the town.

After the clerical work had been completed and the report of the Manufacturer's Appraisal Company had been received, a third meeting was called to discuss the results. Property after property was called for, and while there was naturally even more divergence of opinion regarding the values of specific properties than regarding the comparative values of different streets or different blocks when the unit values were discussed, the people felt that this method resulted in a remarkably fair and accurate valuation. It is significant to note that as a result of this appraisal, the assessor was able to increase the total land assessment by $335,000 or over 55% and had only two appeals.[1]

There is nothing at present in the Ontario Statutes to prevent any municipality from adopting this unit principle in determining land values. While in small towns and villages extreme refinements in the methods of calculating depth ratios and corner values are hardly necessary, there is no municipality that would not benefit by such a public discussion of property values comparing the value of a convenient unit such as the foot front one hundred feet deep, block by block and street by street as was done in Weston. In larger centres the discussion can be effectively carried on through the press as has been done in Cleveland, Philadelphia and other large cities.

Apart altogether from its value as showing the practicability of reducing the tax burden on building and other forms of enterprise which employ labour, such public discussion would tend to check the inflation of land values in times of prosperity which is now costing many misguided investors so dearly, and would greatly help to restore normal conditions in times like the present, when people will not buy or sell because no one feels he really knows what property is worth. If people have been led to pay too much for property, it is better from every standpoint, and especially from the standpoint of those endeavouring to solve the problem of unemployment, that they should know their mistake as soon as possible, accept their loss and let the land be put to use rather than continue to hold it idle year after year only to find themselves greater losers in the end.

As a first practical step then toward the solution of the problem of unemployment, the Single Tax Association would suggest the promotion of the appraisal of the land in every municipality by the unit system, that is, the calculation of the value of every plot by the use of definite depth and corner tables applied to unit values for each block determined by public discussion. This of itself we believe will tend to restore normal conditions.

As a second step, the Association suggests that the Provincial Assessment Act should be amended so as to permit municipalities, on a vote of the electors, to increase the tax on land values and reduce the taxes on buildings, business and incomes.

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[1]Land Assessment, 1912..... $599,475
" " 1913..... 935,199
Value by Appraisal, 1913.....1,795,275

Mr. P. P. Farmer, Jeannette's Creek, Ontario. April 12, 1915.

There are three fundamental differences between employment in the cities, and employment in the country. In the first place, if a manufacturer or builder makes a mistake in judgment, he can, as a rule, correct it as soon as he discovers it. In agriculture this cannot be done. "If a man wants to produce early tomatoes, and neglects to plant them at the right time, he cannot correct his mistake for twelve months. If he neglects to cultivate his crop to-day, and realizes his mistake to-morrow, he cannot correct it till a year from now." In the second place, a farmer is subject to the weather. In cities, an employer whose work is prevented by the weather can wait until the next day, nor does he pay wages on the day that is lost. In farming, if it rains to-day, the man must stop work, or must have in himself a power of adaptation, which is not demanded of the city labourer. In the third place, supervision on a farm cannot be secured as in a factory. This regulates the size of farms; and the men who can successfully cultivate 200 acres, cannot necessarily do the same with 400. The factory whose business develops, can add another storey, and the manager can move from floor to floor with no great loss of time. The successful farm, whose size is doubled, becomes far more difficult to handle. The area factor in farming is one that is seldom appreciated by people in the cities. If the farmer increases his land by 500 acres, the distance between his fields and his barns is so great, that the time taken up on the road, which costs him money, brings him to the point of diminishing return. Thus it is not possible to take any man for agriculture, putting him under a foreman, and expect him to do good work. The conditions of his occupation throw the burden of direction on the man himself. For this reason, all efforts to put labour on the land should look toward eventual proprietorship. The labourer's incentive must be the result of his labour in the market, and not the tongue of his employer. Nevertheless, it is impossible to take impoverished Canadians and Englishmen, and make them all proprietors. The destitute man, who becomes a proprietor, will eat up the substance of his farm.

Unemployed and the Land.

In order to make farmers of the unemployed, it is first essential to secure the moral support of the public. "The public must not lend an ear to sentimental protests without foundation. If public opinion is in favour of the work, you can take a second or third rate man and make a success of him; if not, it is impossible."

Settlement of English Families.

The witness has lands in Kent County. In his first attempt along this line, he tried to combine patriotism with agriculture. He selected 42 families whose heads described themselves as gardeners with experience, and sold them farms under a fixed contract for a small first deposit, which amounted to five-eighths of the value of the house, without a payment on the land at all. He did not think it necessary to verify their statements, as the men were bound by contract.

These families arrived in the spring of 1912. Weather conditions were unusually severe, and the houses were not completed in time. Under these conditions, the settlers proved by no means satisfactory. They did not work hard enough to master the weeding and cultivating, and their crops suffered from this neglect.

In 1913, the witness advertised in the newspapers of Ontario for experienced gardeners to work on share or rental. In this case, inquiries were made of previous employers as to the temperance, industry, honesty and skill of applicants. These applicants were the flotsam of the cities. Five were accepted, and only one gave satisfaction.

In the spring of 1914, after much experience with Belgians on contract labour, the witness attempted to secure them to farm on a share basis. They were used to contract at a fixed sum per acre, and there was such a demand for Belgians on paid work, that no sufficient number could be found. Large colonies of Hungarians from Detroit, Cleveland and Southern Indiana supplied the number needed. These men were accustomed to the share method in their own country. The thirteen who were secured have been most successful. Owing to the war, it has not been possible to keep them on this year; but they have been replaced by twenty-five Hungarians from Hamilton. All that is needed is a man who speaks their language to direct them.

Working on the share basis, these Hungarians farm units of fifty acres. The working gang consists of a man and his wife and four other men. The head of the unit makes the contract, provides all the labour, gets his part of the crop and makes his own arrangement with the other men. The woman cooks, and is counted as a member of the unit in the contract that is made.

The witness reserves the right to give instruction, and the Chief Superintendent, or a Canadian foreman, can command one member of the unit, who does teaming. Working on this plan, it will soon be possible to provide for more than 100 city men. It is not essential to separate the races, although this is advisable. The witness plans to give each unit in future, not 50, but 80 or 100 acres. Mixed crops, of course, are the rule.

Mr. Thomas Findley, Vice-President and Asst. General Manager, Massey-Harris Co., Toronto. April 6, 1915.

About 40% of the employees of the Massey-Harris Company are day-labourers, paid by the day. Not all of these can be classed as "unskilled"; about 25% of the full number of workers are unskilled in the true sense of the word. Many work for the company for three to five months, and then disappear; large numbers have, however, been with the company for many years. There are also men who stay for a few days, to see what the work is like, and then drift on. They have appeared during the last seven or eight years, and are increasingly troublesome. The witness considers that these men are not, naturally, less capable than those who stay permanently with the company, but finds them useless for all that, because, coming as they do, in order to see whether they care for the job, they take no special pains to qualify themselves for permanent employment. He thinks that with the disappearance of prosperity, this drifting class will, at least for the time, disappear.

Apprenticeship.

Until 1900, the Massey-Harris Company took apprentices. Since then, it has been almost impossible to get them; boys prefer to do uneducational work for $1.00 per day rather than work of real value to themselves at only 50c. per day. The company at present employs

practically no young people, but its offer to take apprentices is still open, if anyone cares to make use of it. The witness favours the plan of letting boys, employed in the factory, spend part of their working time in the Technical School.

In the all-round sense, the company employs few real mechanics. The modern mechanic is not a man who understands every process, but a specialist on a single process. This change in the character of the working force of the Massey-Harris Company has created a serious problem—that of maintaining the quality of the work at remunerative prices. The need is felt for more expert supervision than before.

Seasonal Supply of Labour.

The busiest season of the Massey-Harris Works is, in normal years, that between October and April. This busy season was forced on the company by the migration of labour. In summer, labour is almost impossible to obtain in large quantities except at wages which are not economic. Large numbers of competent workers drift into the city, and work for the company during the winter; as a result the Massey-Harris Company makes for stock as well as for orders during these months, on estimates supplied by its branch houses and the jobbers. This involves building larger warehouses, and carrying the goods for a longer period; but, while the supply of labour remains seasonal, no other policy is possible. There is practically no discharge of men in April, in a normal year, because so many drift away to other occupations, as to create a shortage in the labour force.

Labour Statistics and Forecasting.

The witness thinks that accurate information as to the condition of the labour market in Canada would be of little value in helping manufacturers of farm implements to forecast the demand for goods a season ahead. However, he has found such information useful in the case of Germany.

Use of Export Trade.

He considers that the manufacturer of farm implements has a better opportunity than other manufacturers, to equalize output by the manipulation of the export trade, because in Europe the prices of agricultural implements are relatively higher compared with Canadian prices, than is the case with other products. He finds that the foreign markets fluctuate, quite commonly, inversely with fluctuations in the Canadian market.

Very Rev. Dean J. L. Hand, Pastor St. Paul's Church, Toronto, January 29, 1915.

The House of Providence was established in 1857, because at that time there was little hospital accommodation. Its purpose was to care for those who were advanced in years, and had no means of subsistence, as well as for the sick and incurables. Of 501 inmates at the present time, no less than 464 are sick, incurable or aged. The sick and aged are often sent from hospitals, especially from St. Michael's. Some cases from the gaols, particularly women who have strayed a little, and these sometimes do very well. The Parish Priests also recommend deserving cases to the House of Providence.

House of Providence.

Admission is unrestricted. The non-catholic inmates number 137. Of the whole number of inmates, 74 were born in England, 24 in Scotland, 236 in Ireland, 142 in Canada, and 25 in other countries.

In connection with the House of Providence, a farm is maintained for the aged poor, about three miles north of East Toronto. Little work is expected of those who live there. They pick apples in the summer, and make a little hay; but they benefit from country life and the fresh country food. The problem of the aged poor belongs really to the city. The witness, however, does not consider Industrial Homes a proper substitute for old age pensions.

The House of Providence has little to do with the casual outside poor, except that in winter, it has given meals. From September, 1914, to January 17, 1915, about 19,000 meals were provided. From that date they were discontinued, in consequence of representations from the Social Service Commission, to the effect that meals should be given in some single central place. These representations were met by the opening of St. Nicholas House, East King St., which gives two meals per day.

The witness thinks that the number of unemployed in Toronto is 30% larger than it was twelve months ago. The assistance rendered to the poor outside the House of Industry is more general than would be inferred from Mr. Laughlen's evidence. In his own congregation, the witness states that three members of the St. Vincent de Paul Society act as visitors to the House of Industry. This arrangement provides against overlapping and co-ordinates these agencies. The witness considers that charity is well organized in Toronto. There is little waste. The 5,000 families receiving outdoor relief from the House of Industry do not cost more than $130,000 in a year.

Vagrancy.

It would be impossible, from the number of meals supplied daily at St. Nicholas House and the House of Industry, to judge the number of unemployed men in the city. Many of them are unwilling to go around the charitable institutions seeking meals. The casuals, who get free meals, are often strapping fellows and some will not work during the winter. "They are like members of a secret society, who know one another; as soon as one man gets help in a particular place, they will all know of it, but the strong point is that they will not work unless they are compelled to, and the only place should be an industrial colony or industrial farm."

Most of them are criminally-minded. Placing them on the land with individual farmers would be very difficult. Few would care to employ them, and in a home where there are children, they would be dangerous. They have not been trained in early life. Unfitted for particular vocations, they have drifted from one institution to another. Now that they are men, they will not work. The remedy for this condition must be sought in early years.

Public Works for Seasonal Distress.

The witness thinks that even for seasonal unemployment, public works could be provided as a remedy. The problem of transportation in Toronto is acute. Eventually, we may need an underground system. This could be constructed in the winter time, as well as in the summer, and would give a great deal of employment. The Government or City, or both of these combined, must make provision on these lines.

Mr. R. C. Harris, Commissioner of Works. Toronto, June 23, 1915.

The Department of Works gives employment only to residents of the City.

The City is empowered to make special arrangements for employment and payment of elderly men who are not capable of continuous hard work. The Civic Authorities rarely take advantage of these provisions. Most men of this kind who are employed by the City have become invalided or injured in the city service. They are engaged mainly as watchmen. Their hours are a trifle longer than those of workmen, and they receive the standard rate of wages. "It would not be fair to reduce their wage, as prior to their becoming invalided or injured, they had performed faithful service and were only receiving a living wage." Municipal employment of this kind is as a rule only sufficient to care for those who have become disabled or worn out in the municipal service. If there is a suitable opening, elderly and infirm men are given other work, but not at the standard rate. These men are not employed in a gang, for one inefficient workman will lessen the speed of the rest.

The Employment of Old Men.

The City maintains no system of insurance against old age in connection with its own employees. The witness thinks that there should be some such system. The cost of a scheme of superannuation should be borne by the City and the insured jointly in the formation of the scheme, after which it should be borne by those who will benefit therefrom.

Making Work for the Unemployed.

In times of depression, strict business methods of employment must be discarded. If they were maintained, a proportion of the population would be left in extreme want. During the winter, the witness has made work for scores of very needy men, by increasing the gangs, and thus has prevented them from becoming a burden on the community, and secured some labour return for the monetary outlay. "In times of depression, owing to the surplus of supply over demand, you cannot give continuous employment and cope with the situation. For instance, had we last winter given regular employment to a certain percentage of the men, the balance would have been left destitute. I should say that during this period, the average term of employment among those engaged would approximate to three days a week. This is not economical from the employers' standpoint. Nevertheless, it is better to provide labour for the unemployed than to spend money on charity and pauperize the individual. The system is beneficial to the labour force, inasmuch as it provides a few dollars on which to exist. The work is divided among the many instead of among the few."

Expenditure of the Department of Works.

The expenditures of the Department of Works of the City of Toronto for the last ten years have been approximately as follows:

1905	$1,353,696 40
1906	1,548,496 56
1907	1,904,674 44
1908	2,227,415 77
1909	2,350,765 22
1910	3,971,402 22
1911	6,505,408 11
1912	6,296,060 09
1913	7,322,181 58
1914	8,156,877 58
	$41,646,977 97

The great increase in expenditure is largely due to the fact that the City has annexed large areas from time to time, which involved increased sewerage provision, water supply, sidewalks, roadways, etc., and very large public works, such as the Bloor Street Viaduct, grade separation, storm sewers, trunk sewers, water filtration, etc.

Cost of Wages and Material During Trade Depression.

The witness is of opinion that public work would cost a great deal more by being pushed in slack periods. "When times are good, your labour is generally of high quality. You have a man working at one occupation for two or three years continuously, and he becomes well trained and efficient." In times of depression, wages are not any lower, and, because of the system of "rotating" gangs, labour is less efficient. Materials may cost slightly less.

Borrowing in Time of Trade Depression.

On the other hand, municipalities and governments can secure capital at lower rates during times of ordinary depression than in good times, as their security is "gilt edged." Industrial or public service corporations cannot so readily find funds.

Public Works as a Preventive of Unemployment.

The witness considers that it would be possible to save part of the municipal income in times of activity, to provide for the construction of public works in slack times. "The wisdom of the proposal is another matter. You would have to educate the public; make legislative provision for setting aside such funds; and then protect them. Is it wise? The fat years recur, in part, because of such expenditure. When there is a great wave of prosperity in the country, in cities and in municipalities, things run at high tide. You spend more money when it is available; when finances shrink, you curtail expenditures. Commercial life is largely a reflex of municipal life in my opinion."

"While industrial activities are much greater in bulk than municipal activities, the industrial unit is relatively small; and it is not organized to the same extent as the municipal. Municipalities throughout the whole of the Province of Ontario are governed by uniform laws. Throughout other provinces, the same is true. Individual activities are not so governed."

"If we reserve certain work for the lean years, this would mean a general lowering of wages and a general fall in the standard of living."

It is not possible to estimate the extent to which such public undertakings would absorb the surplus of labour in hard times. The immense floating population of the country would upset any calculations that might be made.

The Land Problem.

The witness suggests that a plan whereby men could be placed on the land and made producers would come near to the solution of the problem of unemployment. General social conditions in the country make boys and girls desire to migrate to the cities where they can live among more congenial surroundings. There is a corresponding reflux from the city to the country.

Conditions in the country can be bettered. The farmer who builds houses for his farm help has no trouble in securing all the labour he requires. If the farmers would build these houses contiguous to one another, community life would result to a limited extent, and men would be more attracted to the land. A beginning has already been made in the district immediately surrounding Toronto.

Rev. S. Jacobs, Rabbi, Holy Blossom Synagogue. February 11, 1915.

In 1900, there were some 3,000 Jews in Toronto. To-day there are probably between 32,000 and 34,000. For the most part they come from Russian Poland and Galicia: but there is no social cleavage between those from different countries. The children go to the Public Schools. The witness has always condemned proposals for a separate school system, as it prevents them from becoming Canadians. The grants to parents who have fallen into destitution ensure that no children go hungry to the Public Schools.

Occupations of the Jews.

Both in Toronto and Hamilton, most Jewish wage-earners are in the clothing trade. They have monopolized it here as in Leeds, England, and New York City. Their steadiness of eye and hand gives them an advantage in this industry, which is increased by the fact that their employers know the language. Besides the clothing operatives, there are furriers, mechanics, carpenters, labourers and painters; some working as far north as Cobalt and Sudbury.

The pedlars are in business on their own account. Their capital, when they first reach Canada, is so small as to compel them to start in that business. Moreover, since the Jews live in a large community, their ignorance of English handicaps them very little.

Jewish Farmers in Europe.

Not many Jews farm in Canada. One reason is their lack of capital. More important is the fact that the Jew is very gregarious. He will not live out of touch with a Jewish congregation, and he likes a city. Nevertheless, many Jews have been farmers in Galicia. There is no people in the world whose lot is so hard as that of the Galician Jews. Many of their farms are inherited through long generations of the poorest people in the world. Nevertheless, their enthusiasm for that country knows no bounds. The immigrants at first find themselves strange, and even allege that the fruit of Poland is better than in Canada. Everything is better. They leave it only in order to find relief from oppression, but eventually their conditions improve, they are unbounded in their love and patriotism for the country of their adoption. If at the close of the war the Russian Government adopts a different policy, the Jewish immigration will probably be comparatively small.

Control of Immigration.

Most Jews in Canada have brought their families with them. None come to this country only to stay four or five years, and take their money back to Europe. They spend their money here. When a Jewish woman left in London applies to be sent to her husband enquiries as a rule are made in Canada. If the husband is earning $15.00 per week, or more, he can afford to keep a family. The Board of Guardians is notified in London, and the case is helped.

Something is done in this way to prevent the congestion of the very poor. Conditions of life are less unhealthy than they have been painted. The Jews live in the Ward because it is cheaper, and Yiddish is spoken there. The witness has never recommended any case for hospital treatment whose sickness has been traced to over-crowding in the Ward. Nevertheless, the building of large factories will do good in driving them to less congested districts.

Destitution Among the Jews.

During the last two years, the condition of business has produced unprecedented poverty. The chief Jewish Relief Societies, in Toronto, are: The Jewish Benevolent Society, the Montefiore Benefit Society,

Ladies' Aid, the International Society, the Austrian Ladies' Society, and the Polish Society. There is, also, a small benefit society at the Junction. Excluding the Jewish Benevolent Society, which is not a member of the Board of Co-operative Charities, these spent in January, 1914, $665.49, and in January, 1915, $1,971.54.

No distinction is made in the relief of poverty between Jews of different nationalities. The relief is mostly outdoor; groceries and, sometimes, grants of money. Honorary district visitors supervise the distribution. There is no overlapping with non-Jewish organizations, because these will not assist. The House of Industry gives no relief to Jews, partly because the witness has represented to the Social Service Commission that it is advisable to make a grant to the Jewish Charities, and let them attend altogether to their people. In 1914, this grant was $350.00.

In giving relief, an attempt is made never to separate husband and wife. Until the last two winters, it has been a rare thing for Jews to come for charity a second time. Assistance is so generous when first they come for help that, as a rule, they need no more.

There is no Jewish Home for old people, but money grants are made them by the month or week. No rigid age limit has been chosen, and some of those receiving grants are little more than fifty. Some widows and deserted wives are also helped in this way.

Mr. Arthur Laughlen, Superintendent of the House of Industry. Toronto, January 29, 1915.

The House of Industry is seventy-eight years old. It is governed by a Board of fifteen trustees and twenty-five managers, some of whom are connected with private charities, while others are not.

The work of the House of Industry is threefold. It is the official agency for distributing outdoor relief in the City of Toronto; it maintains a number of old and indigent permanent inmates, and in the Casual Ward it provides food and shelter for the homeless poor.

The witness thinks that the House of Industry is amply able to look after all the outdoor poor in the City of Toronto. With the help of the national and religious societies, the work is as well done as it can be. In the American cities, which have been studied by the Board of Trustees, from fifty to sixty-five per cent. of all moneys received for outdoor relief was spent in salaries. In Toronto the House of Industry has 112 visitors who give their services for nothing. There are two paid investigators. The House of Industry is spending about $4,000 in salaries and $150,000 in relief.

Outdoor relief is given on the personal application of a citizen. As a rule, the first relief given is a small one, which will maintain the family pending investigation.

Those who receive outdoor relief are given half a ton of coal every three weeks if their house has a number of rooms in it, or 600 lbs. where only one or two rooms are occupied. A grocery donation is given every two weeks consisting of about 18 lbs. of nine or ten varieties of food. Milk is given continuously by the month where there are young children, or where old people are sick. Bread is given at the rate of a 3 lb. loaf per

week for each member of the family, with two quarts of soup daily for the household. This is supplied from twenty-one depots.

Those who receive relief cannot live well on what is given them; the coal, for example, must be used very carefully. Relief is given on the assumption that nearly all the heads of families could earn a little and so supplement what is given them during the winter. The witness has no doubt that the relief is adequate and does not think it would be wise to increase it much, if at all.

A work-test is maintained in connection with outdoor relief. The witness does not know what proportion of heads of families perform the work-test. Those who cannot do so, bring doctors' certificates to secure exemption.

Once families have begun to receive outdoor relief, they return for more help year after year. "The only thing is to make a harder labour-test for the succeeding winter."

On January 1st, 1914, 1,105 families were receiving outdoor relief. On January 1st, 1915, the number had risen to 3,800. It is now 5,000, which represents about 25,000 people.

The financial resources of the House of Industry have been strained to the utmost by its unprecedented demand for relief, but supplies have been given to all who needed them despite this. The witness thinks that all the families in need are being cared for except those which are too proud to apply for help. He does not consider that there is at present much over-lapping in distribution, since the amount of relief given by the private charities is very small. For practical purposes, the House of Industry is doing the only continuous outdoor relief work in the City.

All cases receiving relief are reported to the Social Service Commission, whose business it is to co-ordinate the giving of relief.

Those to whom the House of Industry gives indoor relief are aged citizens of Toronto and without means of support. There is an unwritten definition of the term "citizen" which at one time involved a residence of two years in Toronto. Insistence on this limit has become less strict and a residence of one year now suffices, but many of the aged people who have been admitted to the home were born in the City. There is a strict rule regarding age. Men under sixty who, by reason of infirmities, cannot make a living, are admitted. These permanent inmates live apart from the casual poor, who come to shelter for the night.

Only a small proportion of the aged poor in the House of Industry are receiving help from relatives, and this, for the most part, takes the form of little gifts. Those who have any resources go to the "Belmont," which is a more comfortable Home, or to the House of Providence. Those who have no money go to the House of Industry. It is the home of last resort. A trade depression always produces an increase in the number of old people asking for admission. Nevertheless, there are still twenty beds vacant in the home for old people.

The witness finds that to a certain extent, outside municipalities attempt to burden Toronto with their dependent citizens, but thinks that this is not as prevalent as has sometimes been supposed. Working with the City Relief Officer, he has been able, in many cases where this has occurred, to return them to their own municipalities.

He believes that the aged poor should be placed in homes in the country They cannot work, but, in this way, could be made more comfortable. At present, some of them are taken to the Gaol Farm. The witness does not recommend that they should be forced to go there.

The Wayfarers' Lodge in which the casual poor are sheltered, is an old institution. Many years ago there was a small building in the rear of the House of Industry which was erected for wayfarers from the proceeds of a concert given by Jennie Lind. The records have, however, only been kept in their present form since about the year 1900. A Toronto man who is homeless and destitute, can sleep at the Wayfarers' Lodge every night in winter, if he will perform the work-test and keep the rules of the House. The casual poor from outside the City may spend two nights per month in the Lodge. It is impossible to get rid of the casual poor from outside, for no municipality can be made responsible for them. "These people are 'birds of passage'; they do not belong to the last place they came from; they belong to no place; and you cannot send them anywhere." Nevertheless, the witness thinks that if in August, 1914, notice had been given by the City that those who wished for relief from the House of Industry must register and present a householder's certificate, not half of the present casual inmates would be there. At present, Toronto is solving the tramp problem for the Province.

There are two hundred men in the Wayfarers' Lodge. During November and December, 1914, it was filled. Since then, there have always been beds vacant. The decrease in the number of applicants for admission is not due to an increased demand for labour, but to the multiplication of agencies for relief, which occurred at Christmas time.

In addition to the regular inmates, there are about eighty or ninety outsiders at breakfast, and, perhaps 300 at dinner time.

It is impossible to persuade men of this kind to go on the farm. Their first stipulation is the amount of money that they will receive. "Their reason, of course, we know: They love to harbor in the city and be where it is comfortable. They go to the public libraries and spend very pleasant afternoons."

All those in the Casual Ward are in fair physical condition. If anyone is ill, he receives immediate attention. The House Doctor is accessible at all times, and if the case is one for the hospital it is sent there at once.

It is taken for granted that all who apply for admission are out of work, and that all are seeking work. The management tries to keep a record of the time spent by each person in the Wayfarers' Lodge during the year, and indexes their names. Each must state his age, nationality and religion, and is asked whether he is a citizen of Toronto. The witness thinks that replies to more detailed questions would not be reliable.

The labour of the casuals is utilized to save domestic service. For instance, about 2,000 meals are given in a day, and a dozen men are required to wait at table. Some are told to scrub; some to whitewash the walls; some to paint; while others help the engineer, etc. When these domestic services have been provided, the remainder of the able-bodied are required to break one box of stones, which weighs 650 lbs. The

witness considers that stone-breaking is the only possible work-test which can be applied on a large scale. "We did have a labour-test of cutting wood, but we found that they were able to devour wood so fast that it would take practically a train-load a day to keep the men going."

The management of the Lodge is in the hands of three men; one comes early in the morning to set the work-test; another comes in the afternoon to supervise it until nightfall, and the third comes in the evening to keep the place open until 11.30 p.m. Those who refuse to do the work-test are denied admission when next they come for shelter, but are given breakfast in spite of their refusal. The efficiency with which the work-test can be used to eliminate those who will not work depends, to some extent, on the wisdom and energy of the clerk in charge.

The work-test, as at present administered, is a deterrent to some parasites; but the average, healthy casual will break his box of stone in two hours, and then loaf for the afternoon. The witness thinks that of all the casual inmates of the Wayfarers' Lodge, about seventy or eighty per cent. are capable of steady day labour.

Men for odd jobs are supplied on application by the House of Industry. The wage is not fixed when the men are sent to work. The management does not attempt to find whether the men sent out to work give satisfaction, but the witness has been told that they sometimes take advantage of the people who employ them, especially of women, and charge exorbitant sums for what they have done. Ladies have complained of them.

The "Casual" of foreign origin often carries a sum of money with him. Some time ago, the witness went with Inspector Geddes, at the request of the Mayor, to the Headquarters of the Socialists on Queen Street, and enquired how many needed food. He was told that about 2,000 would report on the following day. Meals were prepared for 2,000 but only 600 or 700 came for dinner. These have been coming ever since. There were many foreigners who carried money. One was foolish enough to show his "wad" one day. After half of them had gone, the remainder were seized and searched. Of the three or four hundred who were present, more than seventy carried sums on their persons, which varied from $2 to $20.

Some of the men who carried money did not return after being seized and searched, but most have remained. The Mayor advised that the House of Industry should continue to provide them with meals and this has been done.

Until the winter of 1914-15, the witness never knew that there were married men among the casual inmates. Most of those who come at present are young Jews, who were among these socialists.

The law against vagrancy is weakly enforced at the present time. The police are very much averse to bringing vagrants into Court. The present Industrial Farms are doing good, but have hardly begun to touch this class, which, in Toronto, may number six or seven hundred persons.

The witness thinks that on an Industrial Farm they might be made to produce their up-keep. Some state that they were reared in the slums

of London, and had bad surroundings. There is no sign of feeble-mindedness among them, unless the desperate determination to do nothing is a sign. The great bulk of them are unskilled workmen. In summer they become tramps, working for a few days a week, and moving on. The Wayfarers' Lodge is closed in April.

Mr. H. A. Macdonell, Director of Colonization, Department of Agriculture, Ontario. Toronto, February 2, 1915.

The Department of Colonization for the Province of Ontario maintains a Distributing Office for farm labour at the Union Station, 172 Front Street West, Toronto, from which people from the British Isles are sent to farmers. The Department seeks farm labourers and competent domestic servants, as well as men with a little capital who can buy farms or enter into business. The British farm hand has specialized on some one line of work as, for example, ploughing; the Canadian equips himself for this and everything else in the operation of the farm. The Department rates the British immigrant who can plough and milk as an experienced farm hand. Skilled artisans are not encouraged to migrate.

The chief difference between the Federal and Provincial organizations lies in the fact that, while the Dominion Government has agents in different towns throughout the Province, to whom the men are sent for distribution, the Provincial Department sends its men direct to the farmer. During the winter of 1914-15 some of the District Representatives of the Department, in addition to their regular duties, aided in the work of placing a number of farm labourers in their respective districts.

The Department of Colonization has no relation to the Federal authorities further than what is merely friendly and co-operating as, for instance, when the Dominion Immigration Agent at Belleville has given some assistance. The number of labourers placed on farms in 1914 was 1,835, a decrease of 915 as compared with the year before. The war was responsible for this.

Supervision of Immigration.

The Department of Colonization for Ontario is obviously in close touch with its office in London, England, the Agent-General for the Province there being Mr. Richard Reid. There is also an Agent in Scotland, and, till recently, there was one in Ireland. Most of the business is done through the Booking Agents of the Steamship Companies. These number some thousands. Advertisements are published, lectures are given, and intending settlers are interviewed before their departure for Ontario. Special parties are brought out from England under responsible supervision.

Assisted Passages.

An "Assisted Passage Scheme" makes it possible to lend £4 to experienced farm labourers and domestic help who wish to settle in Ontario. As much as $25,000 has been advanced by the Ontario Government in a single year, and ninety per cent. of it has been returned. Last year $35,000 was appropriated for this purpose but not all of it was used. The Department of Colonization advances railway fares but requires repayment.

The Department considers that after an immigrant has been twelve months in the Province, and engaged on a farm, he should be able to take

care of himself. This does not always follow. There is no fixed rule of care in the matter, and if a deserving man appears to need assistance the Department tries to help him, whatever his length of residence may be.

Wages of Farm Labour.

A circular letter, issued to the farmers by The Hon. James S. Duff, in October, 1914, enabled the Department to place in three months 300 unemployed workers on the land. All of these have gone from Toronto and most have given satisfaction. On the other hand, a large number of undesirables have been rejected. "We can guarantee to place all good, strong, healthy fellows on the farm at the present time (Feb. 2. 1915), even if they have not had experience. Inexperienced men receive $10 a month and board, partly experienced men $15 to $18, and thoroughly experienced men $20 to $25. Wages at a conservative estimate average $240 a year. We are able to place all the experienced married men we can get hold of in the spring, whereby they will secure a cottage and milk and perhaps a few other extras, at $300 to $350, and as high as $400 a year. But the representatives of labour are not always reasonable: they make a rush into the office and expect us to find employment for a hundred men in one day. I have a great deal of sympathy at the present time for the unemployed who are skilled mechanics with large families, and it would not be right to expect them to work on a farm at $10 per month. They cannot leave their families and work for such small wages."

Length of Engagements.

When farmers engage their men they state on application how long they will require them. This of course is subject to two or four weeks trial. Three years ago about fifty per cent. of all engagements were made to cover the year. Through circular letters and intercourse with farmers this proportion has been increased till at present seventy-five per cent. are annual. These farmers are always given preference in the selection of the men, and agents in England receive a guarantee that the men they secure will be given annual engagements. At present the situation is a little difficult owing to the men drawn upon being local. Farmers are therefore afraid of yearly contracts, lest, after the winter months are over, their men will disappear. In this case the Department has always suggested that part of the wages be paid by the month and part held over till the termination of the contract.

The Housing Difficulty.

Many farms have cottages on them, but the number is not large enough in the event of a probable increased demand. It is difficult to discuss the question of cottages, since the Department has never had a surplus of experienced married men wanting employment in the spring. There is, however, no demand for inexperienced married men with families. Agents in England are instructed that it is almost impossible to place them. When an experienced married man is settled with his family the wife sometimes does housework at an additional wage of about $10 a month.

When the Department finds that a farmer does not treat his help as he should do his name is put on the black list. No more men are sent him. Generally speaking the farmers treat their men well and their attitude improves each year. Experience teaches them that they must do so in order to keep them. The Department advises the farmer not to work his man long hours, and to give them some recreation, believing that this would result in a great increase of efficiency.

No settlement work is carried on for residents of Ontario as distinguished from immigrants. If a resident wishes to take up land the Department gives him information and the benefit of the Colonization rate. He gets his land at 50c. an acre on condition of going into actual residence within six months of date of purchase, erecting a habitable house at least 16 x 20 feet, clearing ten per cent. of the land, and residing thereon for three years.

The Department thinks that merely ordinary education has been a strong influence in drawing away the native population from the land. This may be remedied by the growth in agricultural instruction, but it is difficult.

In England, one of the great troubles has been that agents interested in selling as many tickets as they can are apt to give a roseate colour to Canadian conditions. This has caused a great deal of dissatisfaction. Agents would really be far more successful if they gave their clients correct information instead, for the Province is attractive enough to stand the truth. Booking Agents are asked to be careful in this matter, but when the four Dominions are competing for population supervision, it is not easy.

Immigration.

In the past, numbers of the criminal and pauper classes have been sent to Canada. Those who sent them may have persuaded themselves that it was a charitable act, whereas they were really trying to rid themselves of useless people. This is not the case to-day.

At one time Booking Agents in England were paid a bonus of $5 on competent domestic servants going to Ontario. But this method did not satisfactorily or permanently accomplish the end in view, and the Department has been instrumental in having it abolished. Agents, however, still receive from the Dominion Government a bonus of £1 on all who come to the farms and on competent domestic servants

The representative of the Department had not from his experience discovered any test by which to select those immigrants who would be likely to succeed. There is no test but testimonials and the common symptoms that appeal to a knowledge of human nature. Assuming that statistics are correct, the number placed by this Department is small in comparison with that placed by the Federal authorities.

Dr. A. C. McKay, Principal of the Technical High School. Toronto, May 10, 1915.

It is quite common, in the technical schools of certain great centres, to widen the course of work taken by the pupils, in order that individuals may not be dependent for employment on a single industry. For instance, girls in trade schools, learning to be dressmakers, are encouraged to take some work in connection with box-making or millinery. This gives them alternative employment in off seasons.

"We had that particularly in view in the creation of our industrial course. We have a four years' course for boys, who come to us for training in the public schools up to the fourth form. We place them in a course of general industrial work for two years, bringing them in touch with various industrial operations. At the end of two years they select the trade that they will follow."

Their average age at entrance is a little less than fourteen. It is, therefore, nearly sixteen when they make their choice. As the scheme has only been in operation for three years, this is the first year in which the boy has had an opportunity to choose. The Choice of a Trade.

Before making his choice, the boy discusses the problem with the Principal. Incidentally, the prospects in different occupations are suggested, but this is not done systematically.

Apart from the schools, the witness does not think that vocational guidance would be very useful. Nor does he welcome the suggestion that practical men, working at the trades, should be brought to the schools to describe them and their prospects. "I think this only creates confusion in a boy's mind by presenting a trade to him by a man who is putting up arguments inviting him. Let the boy see these trades in operation under the most skilful mechanic we can get. We give the same initial salary for mechanics as for academic teachers ($1,600)."

In the new school the building trades, the engineering, electric and metal trades, forge and foundry work, stone cutting and lettering and decorative work, will all be represented. The boy working for two years in that atmosphere will be more likely to make a proper choice than if the parent made it for him, or if someone tried to guide him.

The witness has supplied many firms in Toronto with young men, who have been so efficient, that some employers have repeatedly applied for boys similar to those that were sent them. In that sense, and in that only, the Technical School is an employment bureau.

In the new Technical School two thousand pupils can be accommodated at any time. Provision has been made for five thousand pupils in night classes. In Toronto the problem of technical education is simple because the local industries are representative and diverse. Hamilton is much the same. In the towns which have few industries the problem is more difficult.

The Technical Schools will provide a system of education parallel with the High School System; not to take the place of it, but to meet the needs of those who do not find what they need in High Schools. It is proposed to provide a central school, with branches to do the work of the central school, if possible, for the first two years among boys, and the first year among girls. Central and Branch Schools.

Each branch school should have the same general equipment as the central school, and special equipment modified in character, according to location. For instance, in East Toronto the building trades and brick-making are centred. The Branch School in East Toronto should meet this local need.

Vocational education has been provided in the public schools, but only for children preparing for office work. An attempt has been made to combine with this some work in manual training. This has been confined to woodworking and a little work in iron.

While the Technical Schools are being developed, the advantages of technical education should be brought before the people of the Province. through modifications of the High School course. "Owen Sound, for instance, is a great woodworking centre. There is no reason why the town of Owen Sound should not have a first-class woodworker with the

standing of a Collegiate Institute teacher to give the boy the industrial touch. Apart from the Technical Schools, boys are led at present to look on industrial occupations as inferior."

Part Time Education.

The witness sees no reason why the school age should not be raised to fifteen and part time educational work provided, until the age is seventeen. He does not, however, favour night work. "I judge our success, not by the growth, but by the decrease in night work."

In certain parts of Germany night classes have practically been abolished. The number of hours a week was first limited, and then all teaching was forbidden after six o'clock.

The witness does not believe in the system of moving boys in alternate weeks between the school and the factory. "I believe it is a great loss to the employer." He is of opinion that employers will gladly make the part time education possible, setting the boys free for their classes on certain half-days, without reducing wages.

Training and Opportunity.

Two years ago there were five hundred or more workers in the building trades, who attended classes in mechanical and architectural drawing and the reading of plans. They were taught how to draw plans as well as to read them. This enables them, where small contracts are concerned, to take a set of plans and estimate the cost. They can undertake the work. Their opportunities are not confined to one establishment, or even to one city. Training, if not too specialized, increases the mobility of labour and lessens unemployment.

Creation of New Industries.

The witness has always had in view the creation of new industries through the work of the Technical Schools. University men have been working in his laboratories, and during the last two years have dealt with some important problems in electroplating.

Mr. James C. Mitchell, Inspector of Employment Agencies of Ontario. Toronto, February 2, 1915.

Employment Agencies in Canada come within the provisions of the Immigration Act, Sec. 66, but only in so far as they deal with immigrants, that is, with those who have been less than three years in the country. In so far as the agencies deal with non-immigrants, the law does not apply to them.

Regulations governing their conduct have been made by an Order-in-Council (P. C. 1028) which was issued from the Government House, Ottawa, May 5th, 1913, in pursuance of this Act. Till it was issued,

Regulation of Employment Agencies.

employment agencies were under no jurisdiction whatever except in those towns which made by-laws regarding them and compelled them to secure a local license.

Under the Order-in-Council, an agency may obtain a license on a recommendation from the Mayor of his town, or the local magistrate countersigned by the witness. The recommendation reads as follows:

> "I hereby certify that I consider..... reliable, honest and a suitable (party) (firm) to be licensed to secure employment for immigrants, and that I know of no reason why an employment agency should not be located at..... ..... dated at..... this ..... day of .....191....
>
> Mayor or Chief of Police.
>
> Immigration Officer."

No fees are paid to the Government, but towns and cities may charge $10 for a license.

The witness is an official of the Immigration Department and inspects Employment Agencies. He is a special constable under the Act, with power to arrest at any place. His district includes the whole of Ontario except Fort William, Port Arthur and Fort Frances, which for these administrative purposes belong to the Province of Manitoba. Nevertheless in matters which take him to those points, his jurisdiction runs there.

Agents are compelled to keep records of all immigrants for whom they find employment, giving the name of the man or woman, the name of the steamship on which they crossed, with date of voyage, the name of the employer, the wage secured, and the charge made by the Agent. Each Agent must have a written order and keep same on file in his office before he can send an immigrant to an employer.

Between May and December, 1914, fifty-six convictions were secured among Employment Agents. The maximum penalty is $100, with an alternative of imprisonment, in the discretion of the magistrate, not exceeding three months. The witness believes that with the assistance of the local police and immigration inspectors, he can deal with all the cases at present arising in Ontario. Though for the first twelve months after the Order-in-Council was issued, abuses were rampant among employment agencies, matters are now well under control.

An immigrant, who thinks that he has been defrauded, may report the matter to the nearest police magistrate or chief of police. In due course, it is referred to the Immigration Department, which takes action accordingly. When there are abuses, the witness does not have to wait for authorization from Ottawa before instituting proceedings.

Rev. T. Albert Moore, D.D.
Toronto, Nov. 27, 1915.

Money invested in the liquor industry does not give employment equal to money invested in other industries.

The Census of Canada for 1911 reveals the following:

In the manufacture of distilled, malt and vinous liquors, there were 3,379 workmen employed. The annual wages paid them amounted to $2,037,351. The value of the raw material used was $6,158,041. The capital invested was $38,125,752.

Similar figures are given for other industries.

A comparison of these returns shows how the various industries are related to the number of workmen employed, the wages paid, and the amount of the increased value of the product paid to labour.

(*a*) Wages paid for every $1,000,000.00 capital invested:

Industry:	
Liquor	$53,438
Iron and Steel	176,925
Bread, etc.	217,491
Boot and Shoe	276,859
Clothing	522,399

Showing that on the same capital invested:

(1) The Iron and Steel industry paid 3½ times as much wages.

(2) Bread, Biscuit and Confectionery industry paid 4 times as much wages.

(3) Boot and Shoe industry paid 5½ times as much wages.

(4) Clothing industry paid 10 times as much wages as did the Liquor industry.

(*b*) Wage earners employed for every $1,000,000 capital invested:

Industry:	
Liquor	87
Iron and Steel	302
Bread, etc.	523
Boot and Shoe	684
Clothing	1,239

Showing that on the same capital invested:

(1) The Iron and Steel Industry employed 3 1-3 times as many wage earners.

(2) The Bread, Biscuit and Confectionery industry employed 6 times as many wage earners.

(3) The Boot and Shoe industry employed 8 times as many wage earners.

(4) The Clothing industry employed 15 times as many wage earners as did the Liquor industry.

(*c*) Labour received as its share of the increased value of the product:

Industry:	
Liquor	11%
Bread, etc.	29%
Iron and Steel	38%
Boot and Shoe	43%
Clothing	48%

Showing that of the increase in value of the product labour received:

(1) In the Bread, Biscuit and Confectionery industry 2½ times as much.

(2) In the Iron and Steel industry 3½ times as much.

(3) In the Boot and Shoe industry 4 times as much.

(4) In the Clothing industry 4 1-3 times as much as in the Liquor industry.

Employers of Labour and the Liquor Question.

All employers of labour are becoming increasingly strict about the matter of patronage of the saloon: a correspondence with a number of great corporations that employ large numbers of men revealed, not only a tendency to discharge men who drank while on duty, but also a purpose not to employ men or retain employees who frequent saloons at any time. Rule "G" of the regulations for employees of railways forbids employees patronizing saloons on or off duty.

The United States Commission of Labour in 1909 sent a note of enquiry to 7,000 firms concerning employing labour and received 5,363 replies to the effect that the drink question was taken into very serious

consideration in employing help, and that they had to be careful because they were held to account for accidents which might involve heavy liabilities.

Alcohol and Efficiency.

The capital of the working man is labour. His ability to work is his principal resource. Whatever depletes his earning power impairs his working capital. Scientific investigation reveals very clearly how alcohol impairs the ability to labour, with the result, of course, that many men, through alcohol, are rendered incapable for the employment they once had and are consequently forced into the ranks of the unemployed.

Intemperance unfits men for their present work and causes permanent inefficiency in all their work. This statement is so self-evident that proof would seem to be hardly necessary. The following facts, however, will go to substantiate the statement:

(*a*) Large industries, where men have facilities for obtaining liquor on Saturdays, frequently find many men incapacitated for work on Mondays.

(*b*) The highest efficiency of workmen on the average is reached on Thursday and maintained over Friday. The cause ascribed is the impairment of physical and mental ability through drink on Sunday.

(*c*) The fact that many persons who indulge in strong drink are unable, after continuing that course for some years, to retain their present employment, but are constantly disrated as inefficient and given employment of lesser importance, and ultimating in unemployment, is frequently evident to all students of labour.

(*d*) The records of our Criminal Courts together with the experiences of our Charity Institutions and social service workers gives very frequent proof of the fact that intemperance is a direct cause of permanent inefficiency.

Alcohol and Woman's Work.

Intemperance is responsible for an unnatural competition in Labour, thus inducing unemployment. When a working man spends his wages over the bar and compels his wife to enter the labour market to obtain money to buy food for the children, she is not only neglecting her home, impairing her health, and leaving her children unprotected and exposed to the evil influence of the street, but she enters into competition with her husband. This competition has a tendency to depress wages, lengthen the hours of work, and thrust into the ranks of the unemployed many men who otherwise would not be there.

Organized Labour and the Liquor Question.

Leaders among labour men realize the evil influence of intemperance upon labour, thus inducing unemployment. President Gompers of the American Federation of Labour, Mr. James Simpson, Vice-President of the Trades and Labour Congress of Canada, John Mitchell, one of the best known labour leaders, and many others have expressed themselves strongly as to the evil influence of intemperance upon labour.

Remedies.

As to remedies, the witness would venture to suggest that experience has revealed that Prohibition is the most successful method of overcoming the unemployment produced by intemperance.

1st. It would transfer the large amount of money now in the liquor industry to those other industries which give employment, better opportunities in number employed, wages and share of profits.

Experience of Kansas.

2nd. Upon the testimony of Governor Capper and other officials, the experience of Kansas, as well as other States under prohibition, reveals the value of this method: The savings banks of Kansas have larger per capita deposits than any other State in the Union. There is a very much less number of paupers per thousand than in any other State. The Poor Farms of the State are empty of patients, and are now being used for experimental farming, community centres, and other beneficial purposes. There are very many more automobiles per capita than in any other State, and the homes and pleasures of the people are much improved.

Licenses for Beer and Light Wines.

Licenses for Beer and Light Wines, with the prohibition of all sales of spirituous liquors would not, in my opinion, produce the desired result. If such places could be so controlled that whiskey, brandy, etc., were not sold there, their existence would increase the manufacture of beers, porters, etc., and would require continued investment of money which would not give employment to an adequate number of men, share of wages for investment, or share of profit to the labourer.

The effect of beer drinking, according to the highest medical authorities, is to produce physical lethargy, mental confusion and apathy, and moral turbidity. All these produce inefficiency and cause unemployment.

Such examination of the history under such licenses in Canada, England and the United States, as the witness has been able to give both in communities which granted the regular licenses, and in communities where only wine and beer licenses have been issued, has strengthened his conviction that this method does not accomplish the result. So far as he can learn there is no decrease of unemployment and other attendant evils of the liquor traffic, where such licenses are issued. In fact in a district of London, England, and a section of Chicago, Ill., where wine and beer licenses exclusively were granted, the records at hand indicate more poverty, more criminality, and greater moral degradation than in other parts of the same cities where regular licenses were issued.

Scientific study of this question has resulted in the definite conclusion that the only adequate way to overcome the evils resultant from intemperance is to prohibit the liquor traffic.

Dr. John Seath, Superintendent of Education, Ontario May 11, 1915.

Our Provincial School System provides for both academic and vocational training. The object of the academic training is to make the pupils efficient members of society. The vocational schools and departments prepare them for special occupations in life.

The vocational courses are provided in Commercial High Schools and Departments, Technical and Industrial High Schools and Departments, and Agricultural High School Departments. Similar provision is made in the Continuation Schools, and some of the subjects taken up in these schools are also recognized in the Fifth Forms of the Public and Separate Schools, and as optional subjects of an elementary character in connection with the academic courses of the secondary schools and the Departmental examinations. The special vocational schools and departments

are each under the control of a Committee known as the Advisory Industrial, Agricultural, or Commercial Committee. These Committees are composed half of the members of the School Board and half of representatives of the industries from outside appointed by the Board. They control the vocational schools, subject, however, in most cases to the approval of the School Board and in some cases to the approval of the Minister. It was intended that the subjects in question might begin as optional subjects taken in addition to the regular academic courses, and, might afterwards develop, first into vocational departments and later, into separate vocational schools.

Industrial Education and the Manufacturer.

The importance of the Commercial courses has always been duly recognized in our schools and of late years the agricultural and industrial courses have made much progress. The witness, however, thinks that it will be very many years before vocational education has so far developed that every child in the Province going into an industrial occupation will have received special training in the schools therefor. "So far as the so-called industrial education is concerned, the key to the situation is really the manufacturer. Naturally his object is to make money and usually he cares little about the education of his employees so long as they can do the work for which he pays them. In most manufacturing industries, labour is subdivided, and the employer is satisfied to have his employee repeat one operation day after day, and year after year. It is none of his business to provide an opportunity for the employee's fitting himself for a higher and more lucrative occupation. Co-operation between the school and the factory might, under suitable conditions, be to the interest of the manufacturer, but, as yet in this Province, there is almost no such co-operation. So far, accordingly, as most operatives are concerned, we shall not succeed until the manufacturer comes in and says 'I am willing to do my share in assisting labour.'"

Enquiries made by the witness a few years ago from the manufacturers in Ontario showed that a very small percentage of the women and men in the trades completed, before entering them, the courses of the elementary schools. Most of them leave these schools with the standing of the Fourth Form; that is, when they have finished the course for the Third Form. Accordingly, when *The Industrial Education Act* was passed, provision was made for the admission of this class into what are now called General Industrial Schools, as well as for the admission into night and co-operative classes of workmen and workwomen, and of those of higher qualifications into the technical day and night classes. So far a good many of all these classes have been established and the prospects are that their number will increase rapidly. What, however, is really necessary in the case of the ordinary operative is that he should have a good general education before he enters a trade as well as some general training in one of these General Industrial Schools. If so educated, he will be in a position to take advantage of an opening, no matter what his early employment may be.

The Labour men, generally, have shown themselves to be unanimous in their desire that their children should be given a proper foundation for industrial work. In fact, their associations generally emphasize the necessity for a good general education.

In England and on the Continent, the subject of Art education has received much attention. It is justly regarded as fundamental in industrial education. Until about four years ago, quite inadequate attention was given it in Ontario. Of late great progress has been made and its value is emphasized in both our academic and our vocational classes. To-day the recently established Ontario College of Art serves the manufacturers and, at the same time, prepares hundreds of teachers for our schools. For the latter, the Department of Education provides special Summer Courses at the College.

Agricultural Training.

Shortly after the witness became Superintendent of Education, a scheme was adopted jointly by the Departments of Education and Agriculture for the improvement of agricultural training in the Province. Under it, a representative of the Department of Agriculture was appointed in a few of the Counties, the number of which the Federal Grant has enabled the Province to increase so that now a large number of our Counties have each a representative. At first these representatives were expected both to take classes in the schools and to give instruction and advice to farmers throughout their districts. It was soon found, however, that there was a greater demand for their services in connection with the former of these duties, and, as a result, the work of the two Departments has recently been reorganized. At present the District Representatives under the Department of Agriculture provide instruction for the farmers and their sons outside the schools, while the teaching of agriculture in the schools is controlled by the Department of Education, which utilizes the Ontario Agricultural College to provide the courses for the teachers of agriculture.

In connection with the Department of Agriculture there are also Women's Institutes, and, from time to time, the College sends out women to give short courses in housekeeping.

The number of rural schools which as yet have classes in agriculture (about two hundred) is comparatively small. But, as the Federal grant may now be used for the encouragement of these classes in both rural and urban schools, there is every likelihood of their rapid development. It is proper to add, however, that in many localities the farmer has little faith in agricultural teaching in the rural schools. This attitude, however, does not discourage those who favor it; for, when the Agricultural College was first established, many of the farmers were opposed to it, and it now stands high in their estimation.

Agriculture in the schools is taken up by the teachers who have attended the Summer School at Guelph. The three Universities, Toronto, Queen's and McMaster, have also established courses leading to the degree of B.Sc. (Agr.). The graduates in these courses, it is expected, will teach agriculture as well as science in High Schools and Collegiate Institutes, and will be influential in educating the public and increasing the importance of such training. Up to the present, however, the course has been taken by only a few students, but there are signs that it will soon become a popular one. As at present organized, the first two years of the course are taken at the University, and the other two at Guelph.

The development of agricultural education is stimulated by an officer of the Department of Education, who goes through the country meeting School Boards and addressing public meetings. It is also stimulated by very considerable grants of money to School Boards, who maintain agricultural classes, and to the teachers who conduct them. The grant to the teacher is made by the Department of Education as an addition to the salary paid him by the School Board; the grants to the Boards are to be used for equipment and accommodation.

One of the difficulties in introducing agriculture into the rural schools is the fact that so many of the teachers are women. The farmer who thinks he knows the theory of farming as well as the practice does not take much stock in a woman teacher of the subject. The number of male teachers, however, is likely to increase, especially when, as at present, many men cannot secure employment in other occupations.

In its comparatively small number of male teachers, Ontario resembles most of the other countries of the world. Probably the largest percentage of male teachers is found in Great Britain and Germany. There the inducements to enter the teaching profession are usually greater than either here or in the United States.

The witness does not think it practicable to give special inducements to rural schools to provide male teachers. Such a discrimination, the Government, at any rate, could not justify; the determination of the sex of the teacher is very properly left to the Boards themselves.

Another provision for agricultural training is made by statute: Township Councils and County Councils have the power to appoint a graduate of the Ontario Agricultural College and a teacher of Household Science who possesses a Departmental Certificate to teach in a number of schools in one locality. But so far, these Councils have not taken advantage of the Provision.

The Federal grant to be expended by the Province is intended only for rural schools.[1] Any one who knows child nature knows how much they are interested in their gardens and that an expenditure for the teaching of agriculture in urban schools is greatly to be desired.

Agricultural Training for the Unemployed.

The witness is of the opinion that it would be very difficult to provide an effective scheme of agricultural instruction for the unemployed. Without good prospects of being able to utilize such instruction, the incentive to take it would not exist; it is most improbable that many would take it on the mere chance of securing such employment later. "Why, indeed, should a man who is drifting around, as most of them do, attend a class in agriculture when his future is uncertain? Give him an incentive by promising him some land and equipment for farming, when he has completed his course, and you give him a reason for attending."

Vocational Guidance.

As to school vocational guidance: In our elementary schools, to the end of the Fourth Form practically none can be given and none can be

[1] Since appearing before the Commission, the witness has notified it that, with the consent of the Federal Commissioner of Agriculture, the same grants are now available in the case of urban schools as in the case of rural schools. This decision is in accordance with the attitude of the Federal Minister of Agriculture, who takes the ground that as the country has assisted the city by sending it a portion of its population, the city may be fairly expected to help the country by sending it a portion of the urban population.

expected. The object of these schools is to give a good general education and to fit the pupil for efficient membership of society. During this stage, the future of the child is in the hands of the parents, and the teacher, naturally, seldom appears. When, however, the pupil attends a vocational school, he makes a choice and in making such choice the teacher, who knows his capabilities, can assist both the pupil and his parents.

As to outside vocational guidance: School Boards could hardly be expected to add this duty to their other duties in connection with the schools. In the case of the vocational schools, however, the situation is different, and it might well be part of the duty of all the Advisory Committees (it now is of the Advisory Industrial Committee), to interest themselves in this question. The witness pointed out that England and other European countries had Committees in connection with the vocational schools which assisted the students not only in selecting their occupations, but in providing employment for them afterwards. Such Committees are sometimes called " Aftercare Committees."

While it is true that efficiency involves a division of labour, it is also true that as far as possible those interested in a question should be closely associated. Accordingly, while in the larger centres Labour Bureaux might properly be maintained, the labour men themselves should be represented thereon. But it does not appear probable that such Bureaux could be maintained in the smaller centres. In such centres if industrial schools were established, the Advisory Committees, as already stated, might constitute Bureaux for the aforesaid purpose.

Raising the School Age.

As to raising the school age: The witness does not think that until the electorate are duly educated to value the provision, it woud be practicable to compel by legislation the attendance of pupils who have passed the school age (fourteen) recognized as the limit by *The Truancy Act*. Such laws exist in some of the European countries, but in these countries, the conditions are different from those in Ontario. In Germany, for instance, the system of government is autocratic, and in England the conditions have only recently justified the partial provisions which have been introduced, and which have not yet justified their existence.

The witness does not believe either that the raising of the school age, even during years of business depression, would have the desired effect. In hard times, many parents have difficulty in supporting their families, and, if a child could earn a dollar a week, the parents would not send him to school: the restriction would fall most heavily on those least able to bear it. Indeed, under the present *Truancy Act* " where in the opinion of a Justice of the Peace or of the Principal of a school attended by any child, the services of such child are required in husbandry or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, such Justice of the Peace or Principal may, by certificate setting forth the reasons therefor, relieve such child from attending school for any period not exceeding six weeks during each Public School year."

There is no doubt, however, that the only effective way to deal with most of the present labour difficulties is to have a system of vocational

schools supported by a Compulsory Attendance Act. After his visit to Europe in 1909, the witness recommended the establishment of an optional measure as the first step in introducing such a scheme. All important changes should be optional at first; we cannot force them upon a democratic people until they have been educated to value their importance. The Act, subsequently passed, which deals with this question is known as "The Adolescent School Attendance Act," and provides for the further education of young persons of either sex who have passed the High School Entrance Examination, or completed the course of the Fourth Form of the Public Schools or an equivalent course and are under the age of seventeen and are not less than fourteen and more than seventeen. Such persons may be required by a Board to attend a day or an evening class to be established by the Board, or some other classes or schools in the municipality. The Act sets forth in detail the conditions under which a Board may require this attendance, and in the meantime the operation of the Act is optional. So far, only London has attempted to put the scheme into operation, but a few other places are talking of doing so. In the judgment of the witness some further step will need to be taken to secure a more general utilization of the Act.

Free Meals for School Children.

As to the feeding of poor children: In England it is practicable to provide free meals for poor school children, because the sentiment of the working-class there is not generally opposed to such a course. In a democratic country like Ontario, it would not be practicable in many places. Publicity would spell defeat. If free meals are given, they must in some way be given privately, not recognized as a charity from public sources.

As a matter of fact in schools which, at present, charge fees, it is understood, although there is nothing in the Regulations of the Department of Education providing for it, that when the parents of a child are not able to pay, the fees are not demanded, but no publicity is given to such an arrangement, either in the school or outside the school.

The problem of the widow or deserted wife with children dependent upon her and without resources should be considered not from the school point of view but from that of public obligation. Here it is the parent who needs assistance, although such assistance enables the child to go to school.

Dr. R. W. Bruce Smith, Inspector of Hospitals and Charities for Ontario. Toronto, Jan. 20, 1915.

The extent of distress at the present time has been exaggerated. There were more people in the gaols of Ontario a year ago than there are at present. More people applied for alms a year ago throughout the Province than have done so now. Outside Ottawa, Toronto and Hamilton, conditions are less acute than they were a year ago. The witness has no means of knowing the number of the unemployed in Toronto. A Census should be taken regularly to systematically establish the facts. That of course is a Municipal care.

Toronto has a reputation for philanthropy. Many destitute people are assisted to come here. The Social Service Commission brought to

the attention of the witness a man with one leg. He was not wanted in his own municipality, and his friends there had asked him to visit friends in Toronto, who were not pleased when he arrived. Sometimes a public body will finance the journey to Toronto, but in most cases this is done by friends. The recent Act, which makes each municipality responsible for its own indigents, makes it easier now to stop this. In the case which has been mentioned, the man was given proper care and his municipality was notified. It has the choice of paying the cost of his maintenance, or of caring for him at his home.

This Act went into force in 1914. It provides that no indigent need go without medical attendance. At one time, doctors had to attend the poor for nothing. Sometimes this is still the case; but municipalities must pay practitioners for attendance on indigents.

As soon as the spring comes, conditions will improve. There will probably be such a scarcity of men for employment, as has not been known for a long time. The Colonization Department of the Provincial Government will be able to place all those who will go on the land.

Industrial Farms.

Those who will not go to the farms could, to some extent, be dealt with by a municipal by-law against vagrancy. They might be sent to work on land conducted under municipal authority, working on an Industrial Farm under full discipline. "It is better to send idle men to work on the land, than to permit the pauperizing influences surrounding them, that are bound to obtain under present conditions."

Men on the Industrial Farms are serving sentences and have to work. The daily cost of upkeep on the present Industrial Farms, was, in December, 1914, 47c. per head on one farm, and 53c. on another. The work of the men is worth more to the Province than that.

It has been for several years the policy to provide, as far as possible, all the requirements of Provincial Institutions from the labour of the criminal and dependent classes. Clothing is made at the Reformatory, and the bricks with which many of the public institutions were built were made by prisoners.

At one time, Fort William and Port Arthur imported food from the Maritime Provinces. At present the Fort William Industrial Farm has the only large barn between Barrie and Winnipeg. To-day it can supply Fort William and Port Arthur with many things that were once carried hundreds of miles. This was the first Industrial Farm in Ontario, and probably the first in America.

It might be desirable to manage Industrial Schools in connection with large farms if the boys and adults were kept separate. The possibilities of conducting a School at a profit would depend on the condition of the farm when work was started. On a farm that was ready from the first, money might be made at once. Every ten acres should support one person. If the farm had to be prepared for agriculture, returns would come more slowly.

It is safe to say that more than fifty per cent. of the unemployed are economically sub-normal. The establishment of something on the lines of the Industrial Farms for these sub-normal people would materially strengthen the labour market.

Under the Swiss system of preventing idleness and delinquency, the Industrial Farm has been elaborated very much. "For example, if a man went to one of their Industrial Farms say from Toronto, he would never be allowed to come back to Toronto after his discharge. He would be sent to another part of the country, away from his former haunts of idleness, and he would be cared for. They have an employment agency in Switzerland which tickets every man."

"In this country we take a man up, and he is discharged several times; on the third offence in New Zealand, he is committed for life to the farm, as a chronic who cannot take care of himself."

Toronto has had an exceptional opportunity to develop along these lines, since the purchase of the Russell Farm on Yonge Street. Only a part of it will ever be used in place of the Toronto Gaol, and there is ample opportunity to develop the remainder on non-penal lines. In extending this, the City has power to buy land anywhere it pleases.

The witness does not favour anything that would standardize pauperism. At the New Year, a woman in Hospital said to him: "I am not getting my pauper rights, Doctor." She said she had been in Canada three years and "had never had anything like what she had in the Old Country." If that is encouraged the Province will drift into a hopeless condition and eventually have what England has to-day, a large class of degenerate paupers that become more burdensome each year. The amount paid at present by the Provincial Government to general hospitals, hospitals for consumptives, refuges and infirmaries is $426,000.00 per year.

Immigration and the Land.

The Province is suffering from a surplus of "Assisted passages." The present is the time to make a change. When business revives, there will be a great rush of immigrants, but they should be turned landwards, not citywards. The borrowed money, which made this country prosperous, has now been spent. "The only way in which we can turn our poverty to future happiness, is by getting the people on the land and making them producers."

There is a scheme in the County of Essex for dividing land into small farms and settling men on them with proper instruction. This had a setback at first, but at present promises to be successful. There is no doubt that a public enterprise of this kind could much increase the scale of operation. "If it had been handled under the New Zealand policy, instead of by a private concern, results would be very beneficial, and the financial returns left with the people who earn them."

Selection of Immigrants.

At present the steamship agents largely select our immigrants. These agents are connected with the steamship companies, whose doctors examine immigrants before sailing. If immigrants are rejected at the port of entry, the steamship companies must return them at their own expense. There has been great improvement, during the last three years, in the character of immigration, but under present conditions, a healthy vagabond might still get through. The witness thinks that seventy per cent. of the casual indigents in the House of Industry have been less than five years out of England. Since the war began deportation has been discontinued. There are many paupers in the cities, who would have been deported but for this.

Collection of Statistics.

The Provincial Secretary's Department has the power to compel managers of institutions to make reports regarding the people who receive relief; the collection of statistics relating to casual indigents is, nevertheless, very difficult. Enquiries at the House of Industry are often made late at night in semi-darkness. Only general information is secured, and perhaps it would be difficult to get more under the circumstances.

Constructive Suggestions.

In the relief of unemployment, Toronto has done better than is commonly supposed. Nevertheless, the problem of the clerk or bookkeeper, or even the manual worker, reduced to destitution for the first time, is extremely difficult. "I hope to see the dawn of the day in this country when we shall adopt a modern method of insuring against unemployment. I am decidedly in favour of pensions for widows and pensions for old people." The witness does not think that this should be charged to production, or made a charge on the cities. It is a national matter which would best be dealt with by the Dominion Government and the problem can be worked out in Canada in a manner that will prove satisfactory. No longer is this in the experimental stage.

Mr. Alexander Snelgrove, Fort William, Ontario. Toronto, June, 1915.

The Austrians and Germans in the district around Fort William number from 1,500 to 2,000. The railway companies will not employ them, and they cannot find work. Some of them are maintained by Government. The officer in charge of them distributes meal tickets, and gives them other necessary assistance.

Alien Enemies in Fort William.

They appear to be a peaceable race and willing to work. They came to Ontario with the idea of making it their permanent home. They consider it a great hardship to be practically interned for the duration of the war, since, by their own account, they disliked conditions in their homeland, and came to Canada with a view to securing more liberty.

The project of using these men in a scheme of Land Settlement has been discussed by the City Council and Board of Trade of Fort William. There is much good land around Fort William which would repay development.

Most kinds of roots could be grown here which are grown elsewhere in Canada, as well as hay of all kinds, oats, barley and rye. Wheat has been raised successfully but is an uncertain crop.

At present two-thirds of the produce consumed in Fort William and Port Arthur is brought from outside points. For many years, these cities would absorb all the produce of the neighborhood.

Under the present law, the settler receives a title to his land when an Inspector certifies that he has built a house at least 16 ft. by 20 ft., cleared and cultivated at least 10 per cent. of his land, and lived for three years on the property.

The witness suggests that instead of being prepared by the settler, the land around Fort William should be prepared for him. Farms should be small; 40 or 50 acres would probably be a desirable unit. The labour of these Austrians and Germans might be used to make improvements, build roads, and to construct log houses and stables. The houses would soon accommodate all the unemployed men in Fort William.

In the second season, a crop could be raised on the land. When the war is over, it might be possible to place the men who prepared the farms in possession of them.

Where there is green timber, the clearing of the land would cost at least $30 per acre. The burnt country might be cleared for $15 or $20. A log house 16 ft. by 24 ft. would cost about $100, including the material. Cost of the Scheme.

Homesteaders on this land would need a cow, and would find a yoke of oxen very useful. "If the Government is unwilling to assist the farmer to own a team, let it hire or buy teams, plow the cleared land around the farm house and prepare it for seed."

Little but roots could be grown in the first year of settlement, and this would involve the use of a team. When the crop is harvested, the Government should plow the land a second time. In the following spring, it should assist in harrowing before the seed crop is sown, and perhaps should supply the settler with some grain.

In the first year the sowing of the root crops would involve an expense of $25 to $30. In the second year, the settler would have his own seed potatoes and would need less money. The witness thinks that after the second crop, the settler should have reached a position of independence.

The witness suggests that a strict account be kept of the sum spent on the land and on the roads, and that this be charged against the homesteaders, who could return it on a system of deferred payments. He thinks that the unit most suitable for farming in the district would be 80 or 100 acres. Repayment of advances.

If a plan such as this were adopted, all improvements would of course belong to the Government, and before a title could be granted to the settler, the full amount expended on the land would have to be repaid. If the first settler on a farm defaulted, the Government would not be the loser, for his improvements would have increased the value of the land.

Mr. T. A. Stevenson, Secretary, Toronto District Labour Council. Toronto, April 7, 1915.

The Trades and Labour Congress of Canada has gone on record against the establishment of Labour Exchanges by Government. The labour movement favours the maintenance of Labour Exchanges by each municipality. The Provincial Employment Agencies, as at present conducted, have never done very much.

The witness is in favour of the abolition of the Private Employment Agencies. In Toronto these charge a $1 fee to those who receive employment and sometimes when the men return within two days, they demand another fee before securing them other employment. "A Municipal Employment Bureau is anxious to find men permanent employment and get rid of them; these private agencies would like to have them back each week to pay another fee." Organized Labour has protested several times to the Dominion Government against the licensing of these agencies. Private Employment Agencies.

Skilled workers do not use Private Employment Agencies, or even a Civic Employment Bureau to any great extent. There are few organizations on the North American Continent which do not keep business agents to find employment for their members. These register with the Central Office as soon as they become unemployed, and are expected to How Skilled Workers Find Employment.

withdraw their names as soon as they have obtained employment. "The majority of employers who are employing skilled labour, when they want skilled labour, telephone the skilled labour organizations for the men. They do not go to the Labour Bureaux." For this reason, the witness thinks that the value of an employment bureau would be far greater to unskilled than to skilled workmen, but he does not know to what extent the registration by the Labour Unions of their unemployed members has ever been compiled in an adequate statistical record.

Apprenticeship.

There is need of a system of vocational guidance for adolescents at the present time. In the printing industry, however, the men have successfully handled the problem. Apprenticeship is still maintained, and the number of apprentices in a shop is limited by the number of journeymen. The term of apprenticeship is five years, and at the end of that period, the would-be journeyman printer must pass an Examining Board.

This system works no hardship on apprentices. At present almost all apprentices in the last months of their term are doing the same class of work as the journeymen. Many employers send their apprentices for, at least, one afternoon a week to the Technical School, and pay the boys' wages for the time so spent.

The Union reserves the right to summon apprentices, after six months of their term, before an Examining Committee which determines if they have the taste for the printing industry. "If a boy has not got this, it is proper to advise him to seek some other occupation." This rule is international.

Unemployment Benefits.

The witness states that several of the Labour Unions pay unemployment benefits. The Typographical Union, of which he is a member, does not pay out-of-work benefits, but during the winter has care for its unemployed members. The chief feature of its benefit system is an old age pension. Every member on the North American Continent, who has reached his sixtieth year, is entitled to $5 per week for the rest of his life, provided he is not working at the printing business; and any member at any age whose health fails him, and who has been refused admission to the Union Printers' Home, is entitled, after a membership of five years, to the $5 per week pension. Two or three other Unions have developed the same system, but the number is very small.

In the Typographical Union, the fund for old age pensions is growing at the rate of about $4,000 per month. About 5,000 old members are in receipt of pensions. Those of Toronto are receiving a larger sum in old age benefits at the present time than the total subscriptions which are collected in Toronto.

In the same way, sick members of the Union draw benefits at the rate of $5 per week. The witness would gladly see the system extended so as to cover unemployment benefits, though he thinks that careful provision would be necessary to prevent an increase of idleness which might result. He believes that a small contribution from the Government in aid of unemployment benefits would prove a strong inducement to the Unions to develop this; he would not care to determine how much this should be.

Short-time Employment.

The system of working short-time, in order to keep as many workers as possible on the pay-roll, is in normal times discouraged by the printers; but as an expedient for meeting depressions in trade, it meets with

general approval. There is strong opposition to the reduction of wages during such periods, and the "phalanx," as the short-time arrangement is called, is a means of avoiding it.

Public Authorities and Unemployment.

The witness is of opinion that Canada has utterly failed in dealing with the present unemployment problem. This opinion is general among organized workmen. "The Dominion Government has done nothing to assist. If it can borrow $100,000,000 to prosecute the war, surely it can borrow another $15,000,000 to go ahead with Public Works." The Government should hold back certain public works in good times and keep the money in reserve. Depressions can always be foreseen, and as soon as these develop, the public works which have been held back should be begun.

"The City Council has paid men for shovelling snow on city streets and has financed the House of Industry; but if these men had found employment in Toronto, it would not have been compelled to give that money to the House of Industry for nothing. It might have taken $40,000 and cleaned the Catfish Pond. It seems to have tried to shift the burden on a Committee of good citizens."

When it was suggested that the Committee responsible for the "Give-a-man-a-job" campaign should pay for that campaign, the witness at once refused. The money was finally voted by the Board of Control. The Committee had no chance from the outset, for every suggestion towards improvement was met with the statement that the Board of Control must keep the tax rate low. "The Council of the City of Toronto does nothing from the 3rd of January but think of the votes to be obtained for the following elections." The witness believes that the City, so far as possible, should regularize employment, as should the Provincial and Dominion Governments.

Unemployed and the Cities.

The Government should try to stop the rush of the unemployed into the cities, which occurs each autumn. The witness does not believe that there is any means of finding its extent. It would be one of the first duties of a well organized employment bureau to study this floating labour, and keep it in continuous employment. There is no prospect of employment for the present surplus of unskilled labour, except on such municipal improvements as are made in the next few years.

Immigration.

He believes that at present the Government should assist no class of immigrants except agricultural labourers, and that these should be put under some form of obligation which would keep them from congregating in the cities. There are too few people on the land. A demand for goods must be created, before the manufacturers of the cities can safely produce a supply.

Mr. A. C. Thompson, Single Tax Association. Toronto, October 5, 1915.

To a clerk in a store, though he uses less area, land is just as necessary as to a farmer or gardener. The restricted use of land will tend to lower his income and increase the cost of his living as it does every one else's. At the present time Canada generally, and Toronto particularly, is afflicted with a severe visitation of bad times. Preceding this condition there was a great land boom and thousands of acres which formerly were farmed or occupied by market gardeners, have been thrown

out of cultivation and divided into building lots. These lots changed hands several times and always at an increased price so that to-day the price demanded makes it impossible for any one to pay it and get any adequate return for his money and labour. This has the same economic effect as if all this land was removed off the earth. Our tax system is a further aggravation of the situation, for should any one attempt to put any of his land to use by creating a building of any kind he will find his taxes increased by perhaps 2 per cent. of the cost of the building. This is tantamount to a confiscation of 25 per cent. of the rental and therefore of 25 per cent. of the capital value of his investment. Surely a strange way to encourage the employment of capital and labour in producing things which the community wants?

Exemption of Improvements.

Now suppose the process were reversed, and instead of being taxed for doing what they should do, men were to be taxed for keeping land idle, which they should not do.

What will the result be? Suppose a man had a lot 30 feet frontage and for which he demanded $50.00 per foot or $1,500, suppose he was assessed at his asking price and the tax on it was 4 per cent. or $60.00 a year, which would approximately be the rate in the city if improvements were exempt, what would he do? Is it not obvious that he would seek to sell it to some one, and if he couldn't get $1,500, he would reduce the price to such a figure that he would find a purchaser? He would probably be glad to take $10.00 a foot rather than keep on paying $60.00 a year simply for the pleasure of owning it. The same forces which would cause him to reduce his price would apply to the owners of the one million feet of vacant land in the city and to the greater area in the adjoining townships. Land for market gardens could once more be bought at a price which would permit the purchaser to make a living raising vegetables, etc., for the Toronto market and with beneficial effects upon the cost of living here. A man who had saved up a thousand dollars or so with which to get a home would be able to buy a lot and still have enough money to enable him to finance the building of his house instead of only having enough to partly pay for his lot. The effect of these things upon the industrial situation would be as follows:

Its Industrial Effects.

1. The forcing of all vacant land upon the market would be followed by much capital being used by individuals to build houses for themselves. This would employ labour now idle or working at other than their regular trades.

2. The effect of the increase in house accommodation and the great increase in taxes on land only would decrease house rent by increasing the supply and increasing the necessity of landlords for tenants.

3. The decrease in rent paid by people with steady employment would be equivalent to an increase in their income to the extent of the reduction and would constitute an increase in the buying powers of the masses for all things produced by labour.

4. This would create a further demand for labour to supply the enlarged market.

5. As a result of this, factories now idle or working only part time, would start up, increase the hours of labour, or the number of their employees. These in turn would add their wages to the general purchasing power of the masses, increasing the demand of labour products and

therefore for labour, and so in ever widening circles and the return of good times would be hastened. Thus the taxing of land into use would reverse the process which the speculator in land introduced. Rents would fall, wages would rise, unemployment would cease. The cost of living would be reduced by lower rents and by the increase in production which the re-employment of land about the city would bring about. The increased income of the masses would also reverse the doubling up process and every one who could, would want a house for his own family only, and the vacant houses and stores would once more be tenanted at reduced rent, which the lower land values would make possible.

Mr. George Thompson, Secretary of Amalgamated Society of Carpenters and Joiners. Toronto, May 5, 1915.

Members of the Amalgamated Society of Carpenters and Joiners draw unemployment benefit. Rule 37, under which this is administered, reads in part as follows:

> "Should any free member be out of employment under circumstances satisfactory to the branch, he shall, upon declaring on the unemployed benefit, and signing the vacant book each day, be, if a member over one year and under three years, entitled to the sum of $1.75 per week, for nine weeks, and $1.25 per week for a further nine weeks, whether successive or not, or a total of $27 during one year; those with over three years' membership shall be entitled to $2.50 per week for nine weeks, or $36 in one year, such year to date twelve months back from each time the member applies for the benefit."

The number of members of the union is about 2,000 in all Canada, and in Toronto, about 900.

Registration of Unemployment among the Carpenters and Joiners.

The Registration Books are open for the registration of unemployed members every working day from 8 a.m. to 5 p.m. Unemployed members have two reasons for registering, as soon as they find themselves out of work; first, because till they register, they do not begin to draw benefit, and second, because in large cities like Toronto, and in the Frontier District, there is always a man in the office, whose business it is to find employment for members out of work. Even if a man has drawn his full $36 during 18 weeks, and remains unemployed, the possibilities of securing employment and the fact that he does not wish to be charged the general levy, are good reasons for his continued registration.

An unemployed member of the union, who is drawing benefits, must accept the first offer of employment at the standard rate of wages. If he refuses this, he loses his claim to benefit and gets no further offers of employment till every other member on the register has been offered work.

Nevertheless, not all members out of work will register their names at once. If they have savings on which they can draw, their desire not to lessen the funds of the Union will deter them from registration. "They endeavour to conserve the funds as much as possible for the more unfortunate brother."

For this reason, an index of unemployment constructed from the registration book of the Amalgamated Society of Carpenters and Joiners

would not give an accurate account of unemployment among its members. It would be no more than an approximation to the truth.

Members of the Union who have registered themselves as unemployed, and subsequently secured employment must notify the fact at once, or be fined for such neglect.

Wages Reductions During Trade Depressions.

Members of the Union in Toronto are not unwilling to agree with employers on a reduction of wages in hard times, if this will prevent the discharge of many men, but insist on the "closed shop" as a condition of agreement. "If the Builders' Exchange had met our Committee this year, we were quite prepared to accept certain reductions, on condition that they would employ our men; but they refused to meet us."

Mr. E. F. Trimble, Secretary, Vocational and Employment Department, Young Men's Christian Association, Toronto, May 31, 1915.

The first attempt made by the Central Branch of the Toronto Young Men's Christian Association in regard to Vocational Guidance was in the latter part of 1913. An Executive Committee was formed consisting of men chosen from the Board of Trade, Board of Education, Canadian Manufacturers' Association, Trades and Labour Council, University of Toronto, City Council and the Young Men's Christian Association. This Committee was originally chosen with a view to securing the co-operation of the members of the various Boards and Institutions therein represented. The Committee met from time to time to discuss plans for developing the work.

Advisory Council.

Following the organization of this committee, an Advisory Council of some two hundred prominent business and professional men of the city was organized, each man agreeing to interview and advise with any of the boys or young men anxious to seek information regarding his particular business or profession.

Work Among Boys 14-15 Years of Age.

In 1913-14 the work was conducted largely among boys of fourteen or fifteen years of age who were leaving school for one reason or another. The experience has been that these boys were too young to appreciate the importance of the work being attempted on their behalf. There seems to be a distinct gap between the ages of fourteen and sixteen years, and this is one of the hardest problems to overcome. It would appear as if the Technical School, or the teaching of Manual Training where there is no Technical School, between the ages of fourteen and sixteen would materially help to solve this difficulty. The witness thinks that the raising of the school age to fifteen years would be a distinct benefit.

Work Among Boys 16 Years of Age and Over.

During the latter part of 1914 and since then, the work has been distinctly among the boys of sixteen years and over, particularly boys attending the high schools, and much more satisfactory results have been achieved than hitherto. During the last season about two hundred boys have been assisted through this department and have been advised by prominent business and professional men, a great many of them being able to definitely decide their choice of a life work as a result thereof. The time of the secretary is taken up to considerable extent with other duties, otherwise much more could be accomplished.

The plan of the Vocational Department is as follows:

Method Followed.

A boy comes to the Secretary, stating that he wishes to get information regarding medicine. The Secretary discusses the preliminary train-

ing and the prospects for his taking sufficient education, generally submitting a paper on Medicine specially prepared to show the advantages and disadvantages, necessary qualifications, and the possible remuneration, etc., etc., in such a profession. The boy is then given a form containing some forty-odd questions, which he is asked to fill out and bring with him at a stated date.

If, on the second visit, the secretary is convinced that the boy is clearly anxious and sincere in his desire regarding medicine, he is then put in touch with one of the medical counsellors whose duty it is to advise with him regarding the wisdom of his entering medicine as a profession. The Vocational Department Secretary does not attempt in any case to advise a boy as to the course he ought to pursue, but he does try to bring together the boy and some counsellor who is properly qualified to advise with him on that particular profession or business. It is then left for the boy and his parents to decide as to the proper course to pursue. If, after the boy has visited the counsellor, he decides against the profession he had thought of, the matter is again gone into, and he is placed in touch with some other counsellor who will advise with him along another line which is indicated by the boy's desires.

The Board of Education has helped very materially with this effort by placing the services of the Principals of the Schools at the disposal of the department, and particularly in regard to the collection of information about applicants. The Medical Department of the Board of Education also provides reports on the health of the boys who are asking for advice. This is extremely helpful.

The boys generally welcome the assistance which is afforded them.

Mr. James Watt, Business Agent, Journeymen Tailors' Union of America, Toronto, April 7, 1915.

The witness is informed that organized labour in England is opposed to the Labour Exchanges, which are used as a strike breaking institution. The labour movement in Canada favors municipal exchanges, because labour has more influence with the municipalities than with the Provincial Government. The witness is not sure what is the best means of keeping a labour exchange impartial as between capital and labour.

The benefit systems of the Labour Unions are drawn up by qualified actuaries. The Tailors' Union established sick benefits some years ago. The members paid 15c. per month in health, and in sickness drew $5.00 per week for ten weeks in any one year. In the years 1908 and 1909, the 15c. contribution yielded a surplus above expenses. Since then, the rate has been increased to about 20c. a month, which meets present liabilities.

Unemployment Benefits.

Some Labour Unions in Canada give unemployment benefits to their members, but by no means all. Canada is so young an industrial country that, unlike England, she has not found unemployment benefits necessary on a large scale. The development of such a benefit system is only a matter of time. Some organizations which do not give unemployment benefits are now considering the matter. In some of them, the present arrangement allows men out of work to retain their membership without paying the regular dues. When benefits are established by International Unions, the systems seldom break down.

Unemployment Benefits and Government Subventions.

The witness favors an extension of the benefit system in all of the Labour Unions. He has not given much consideration to the question whether government should establish unemployment insurance for the great number of workmen who do not belong to Labour Unions. He favors the payment by Government of a subvention to those Unions which give unemployment benefits, on the lines adopted in Ghent, but makes no suggestion as to the amount of subvention which is desirable. The fact of assistance is more important than the sum of money paid.

Short-time Agreements and Trade Depressions.

Members of the Tailors' Union employed on piece-work distribute it in times of trade depression in order to keep everyone employed, and are paid the regular rates for the work. Those paid by time instead of by the piece, have had their working hours reduced, and maintained the regular rate per hour. Isolated individuals objected to the method, but it did not, as a rule, produce friction between employers and the Union.

The witness favors an extension of the short-time arrangement as a means of meeting trade depressions. He believes that the shortening of the legal working day would be the means of providing more workers with employment, and would make depressions less severe.

The Cities and Unemployment.

In most cases, the cities have done nothing to meet the conditions of the present winter; except in the matter of snow-shovelling, the City Council of Toronto has done nothing useful. The "Give-a-man-a-job" campaign will be of little value. The Civic Employment Bureau has done its best within its means and opportunities. The witness has heard no criticism of the Civic Employment Bureau from members of the Labour Unions, and thinks that they do not give it much attention.

Apprenticeship.

Apprenticeship was a good thing in the past, and answered its purpose. In the Tailoring trade, there is really no need of it at present. "Clothing is produced without the aid of skilled mechanics. The man becomes fast, but not skilful." Both in the ready-made and in the custom trade, the bulk of the clothing made in Canada is organized on the section system; one man, for instance, puts in the sleeves, and another does the button-holes.

There is no active desire among tailors to make an end of apprenticeship. "I am a tailor, and I would rather sit on the board and make a coat than work in one of these section shops, because when I had finished my work there, I would have no pride in it. If my business were examining or putting on the collars, I could not take pride in the work, because it would not be mine. It is not the tailors who wish to destroy the individual system." To some extent the officials of the Tailors' Union find work for their unemployed members, but opportunities for doing this depend on the extent to which the workers are organized in individual cities.

Mr. Frank Wise, Toronto

Mr. Frank Wise, Chairman of the Imperial Home Re-union Association, told the Commission that he represented several London Emigration Associations and Boards, and had come in contact with several hundred British immigrants. He, therefore, felt it more or less incumbent upon him to see to it that British immigrants in Toronto were helped into positions rather than allowed to be openly robbed both by employment offices and dishonest foremen. He had established the British Employment Association on his own responsibility and opened an office at 129 Wellington Street West, Toronto, on a business basis with Mr. G. DeFleury as office manager. His hope and expectation was that by careful management the office might become self-supporting like the Imperial Home Re-union Association.

The year preceding the war was a very bad one for labour, and many applicants had to be assisted who were unable to pay any fee. The same was true of the first year of the war. Up to date, something over 7,000 men have been put into positions of more or less permanency, only about one-third of whom had paid any fee. The burden of maintenance, therefore, rested entirely on Mr. Wise's shoulders. He twice offered the city the services of his Bureau free of any premium. It was offered to be run under the present management, or to be turned over as a going concern to the city. The city did not accept.

Mr. DeFleury was asked to state his opinion as to the failure of farmers to get competent help when, apparently, it was available. His opinion was that the hours were too long; that the wages offered were inadequate for this labour; and that the food in many cases was unappetizing. He stated that men placed in good positions by the Association in former years were always willing to be sent back to the same places, but when it was learned a farmer had a bad reputation either as a taskmaster or that the fare was not good, he was at once blacklisted by the Association and refused further assistance. If it was discovered that a man did not give adequate work for wages paid, he was given no more assistance by the Association. Instances were on record of farmers having deliberately caused their help to leave their positions a week or two prior to the end of their contract so as to give an excuse for the retention of more or less of the wages due. There was abundant evidence to show that with a little kindness and encouragement, and with instruction in the ways of the new country, the English immigrant was at least equal to any worker, whether Canadian or otherwise.

When asked for his opinion as to whether a private philanthropic concern like his or a Government-managed bureau could secure the better results, Mr. Wise stated that until Government bureaux were run with some intelligence and with some sympathy for and insight into the character of the average working man, they could not hope to compete with private offices sympathetically and intelligently conducted. The private bureaux were responsible to the police and should depend for their maintenance upon the moderate fees which were allowed to be charged. The best workmen preferred to pay for services rendered, and many refused point blank to accept free service from a civic or other public bureau.

When asked if the office kept any card or other records for registering the names of applicants, the manager said that such records had

been found to be worse than useless, besides taking up a great deal of time in compilation which could be spent to much better advantage. As a rule, by the time a man had been hunted up on the cards, the job had been filled by someone on the spot.

In a comparison of British with foreign immigrants, it was stated that the British man acted singly for himself, whereas the Italians were practically always to be found acting under a padrone. The Russians were the same to some extent, although not so much so as Italians. Bulgarians were found to be almost completely in the hands of storekeepers and others who financed them when out of work; while the Britisher was practically always a free and independent agent. This made the British workman preferable to foreigners because individuals might leave, but trouble with the padrone often entailed the loss of the whole gang.

When asked about the advancing of fares, the manager stated that on occasions advances had been made, and that in most cases the money had been returned. Unfortunately there were on record certain farmers, manufacturers and contractors who had failed to pay back the fares advanced, and these amounts therefore were a dead loss to the Association.

APPENDIX A.

LABOUR EXCHANGES IN THE UNITED KINGDOM.

By Mr. Hugh McLaughlin.

The Labour Exchange System in the United Kingdom is essentially a business organization. Employer and employee are brought together by the Labour Exchange, just as vendor and purchaser have, for centuries, been brought together in markets of various kinds. Not only is each community organized in one labour market, but all these small labour markets are so correlated, that there is, in reality, but one labour market in the United Kingdom.

The individual Exchange may consist of four different departments, those of the men, the women, the juveniles, and the casual workers. Divisional Offices are used for purposes of control and for "clearing house" work, i.e., the transference of unemployed workmen from one place to meet an unsatisfied demand in another. The Central Office[1] at Westminster controls the Divisional Offices and is responsible to the President of the Board of Trade. Together, Central Office, Divisional Offices and Labour Exchanges form a network of intelligence as to the demand for and supply of labour throughout the United Kingdom.

The Advisory Trade Committees, which the Board of Trade has the right to establish in such areas of the United Kingdom as it thinks fit, represent employers and workmen in equal number. The chairman is chosen by the majority both of the persons representing employers, and of the persons representing workmen, or, in default of such agreement, is appointed by the Board of Trade. These Committees advise and assist the Board of Trade in matters referred to them, which relate to the management of Labour Exchanges. In dealing with applications for accommodation within the premises of a Labour Exchange, the officer in charge must consult the Advisory Trade Committee for the district. Applications are only granted on such conditions as the Committee may approve.

In connection with the work of the Labour Exchanges, there are several outstanding principles:

First—*The system is industrial*: Everything possible has been done to free the Labour Exchange from any form of association with charity and the relief of distress. The only thing to be obtained through the Labour Exchanges is ordinary employment, and there is no inducement for those to come who only want poor relief.

Second—*The system is voluntary*: No compulsion is or can be exercised either on employer or workman.

Third—*The system is free*: No charges of any kind are levied either on employer or workman.

Fourth—*The system is impartial*: The Labour Exchanges assume a neutral position in all conflicts between employer and workman, either strikes or lock-outs. In all trade disputes, employers and workmen may make a signed statement of the fact which the Labour Exchange Officials must show to applicants for work, before sending them to fill the places of the men involved in the dispute.

[1] The Commission is indebted for much of its information on the Board of Trade Labour Exchanges to Mr. F. Lavington, of the Central Office, Queen Anne's Chambers, Westminster, S.W., England.

A regular procedure has been laid down for this by the "General Regulations for Labour Exchanges managed by the Board of Trade." It provides that "Any association of employers or workmen may file at a Labour Exchange a statement with regard to the existence of a strike or a lock-out affecting their trade in the district . . . ." This shall be in force for seven days, but may be renewed. It shall be in the following form:

I, the undersigned, being duly authorized by .....(give the name of the association) beg to notify that the above association has a trade dispute, involving.....(insert "A strike" or a "lock-out," as the case may be) with .....(give the names of firms or class of firms or the name of the association).

Dated this....day of.....19 .

Signature .....

Address .....

Where the employer so affected notifies a Labour Exchange of a vacancy or vacancies for workmen of the class affected, he is informed of the statement filed and is given an opportunity of stating his side of the case in the same way. In notifying any such vacancies to any applicant for employment the officer in charge must inform him of the statements which have been received and the applicant must then decide for himself whether he will accept or reject the proffered employment.

No responsibility is taken by Labour Exchange officials as to wages and conditions of employment beyond supplying employer or applicant with any information in their possession. Copies or summaries of any agreements mutually arranged between associations of employers and workmen or any rules made by public authorities for the regulation of wages or other conditions of labour in any trade may with the consent of all parties be filed at a Labour Exchange and shall be open to public inspection. Refusal to accept employment on account of trade dispute, wages or conditions does not disqualify or prejudice the applicant.

And Fifth—*The system is unrestricted*: All kinds of employment, skilled, unskilled or clerical, are dealt with by the Labour Exchanges, with the two exceptions[1] of applicants for indoor domestic service and the mercantile marine. There are examples of positions having been obtained for unemployed curates.

[1] The two exceptions mentioned require some explanation:

(a) Prior to the outbreak of the present war, Labour Exchanges did not undertake to deal with vacancies in resident domestic service in private houses. An exception to this agencies engaged in this kind of work in its District, and will undertake either by itself or through such agencies to enquire into vacancies offered and to provide for regular after-supervision in all cases where it is desirable.

1. No placing must be done by a Labour Exchange Officer without advice of at least one member of the Committee or a co-opted member of a rota or a sub-committee.

2. The Committee undertake to arrange co-operation with any satisfactory voluntary agencies engaged in this kind of work in their District, and will undertake either by themselves or through such agencies to enquire into vacancies offered and to provide for regular after-supervision in all cases where it is desirable.

3. The Committee agrees not to advertise this work at the expense of other branches of work.

The Individual Labour Exchange.

A Labour Exchange is defined in the Labour Exchanges Act as: "Any office or place used for the purposes of collecting and furnishing information, either by the keeping of registers or otherwise, respecting employers who desire to engage workpeople and workpeople who seek engagement or employment." The staff varies from a manager, assistant manager over men's, women's and juvenile departments, and fifteen or sixteen clerks, to a single officer in charge of a waiting room. The casual labourer's department is not mentioned here, because it is usually administered by a district exchange, situated where there is a large demand for that particular kind of labour, and, though in close touch with the main exchange, is controlled from the divisional office. In each case the division of the staff among the different departments depends upon the nature and amount of work to be done.

Men's Department.

Workmen are usually registered by a clerk, who takes down their answers to questions put in accordance with the application form. This is filed on a card index system, and forms the workmen's record in the exchange. The nature of the questions may be seen by an examination of the card, a copy of which is here given:

APPLICATION FORM.

Surname .....Other names .....Age .....

Address .....

Work desired .....

Last employer and previous employer in that class of work, with address and period and date of employment. .....

Qualifications for desired employment .....

Also willing to take work as .....

Whether willing to take work at a distance .....

When free to begin work .....

No obligation is, however, placed on the workman to answer all the questions on the form, and he may, of course, volunteer additional information. Workmen

Since the outbreak of the present war, more of these Committees have undertaken this work on similar conditions. At the same time, in addition to this extension of Juvenile work, the general rule restricting Labour Exchanges from filling vacancies in resident domestic service in private houses has been temporarily relaxed.

(b) Labour Exchanges have hitherto been restricted by the section of the Merchant Shipping Act, which provides that—"No person shall engage or supply seamen or apprentices in the Mercantile Marine unless he holds a license from the Board of Trade for the purpose, is the owner or master of a ship, or is in the constant employ of the owner."

The Board is at present considering whether a number of Labour Exchange Officers should be licensed to undertake this work.

residing within three miles must answer in person; others may make application by post. On registration, each applicant is given a registration card which reads as follows:

FRONT OF CARD

REGISTRATION CARD.

Reg. No..... *REGISTRATION CARD ONLY.* Trade No.....

Name ..... Trade.

Address ....

Dated .....I have obtained employment .....

With ....

. . . .

Signed ....

.....

N.B.—Change of address should be notified at once to the Labour Exchange. .....

R.
L. E. 24.

BACK OF CARD

O. H. M. S. Official paid

PLEASE READ THIS CAREFULLY.

If you obtain work, either through the Labour Exchange or otherwise, you should fill in this card and post it at once to the Exchange. No stamp is needed.

Until you obtain work you are advised to call daily; you must in any case present this card at the Labour Exchange every ..... in order to remain on the register.

NO FEES.

THE MANAGER,
Labour Exchange

In order that his name should remain on the register, it is necessary that he should bring his registration card with him every week, on the day named thereon, to be stamped, while if he obtains work through his own efforts he is required to return the card at once through the post with a statement to the effect, and for this

purpose the card is addressed on the back to the Labour Exchange, and is franked for free transportation through the post. Applications for workmen are received by letter, by messenger, by telephone and by personal application. As soon as the Labour Exchange is advised that a certain employer is in need of a particular kind of man or men, and a suitable workman is located, the workman is sent to the employer with the following identification card:

IDENTIFICATION CARD.

Order No. ..... Date .....

BOARD OF TRADE LABOUR EXCHANGE.

Telegrams: "Labex" Tel. No. .....

To .....

In reply to your request for .....I am sending .....the bearer, who should present this card in a sealed, green envelope addressed to you. If you engage bearer, please sign and return this card to me as soon as possible, even if the engagement is only temporary. If you do not engage bearer, please give this card back to (him, her) unsigned.

.....

Manager.

N.B.—Until this card is returned, the situation is considered open.

ENGAGED. Signature .....

1
L.E. 12

This the employer is requested to sign and return, with a statement as to whether the man has been engaged or not. This card is also franked for free transmission through the post. In each exchange there are three registers—the "Live Register," the "Intermediate Register" and the "Dead Register." The "Live Register" is composed of the index cards of those workmen who have registered or renewed their registration within the past week, and have not since then

obtained employment. The "Intermediate Register" is composed of the cards of those persons who fail to renew their applications on the right day. The cards of all those who have obtained employment, or who have not presented themselves to the Exchange for some weeks, are put in the "Dead Register." Should one of these men appear in the Exchange later, his old index card will be used again but he will count as a re-registration.

The Women's Department.

The Women's Department of the Labour Exchange is carried on by an assistant manager and her staff, under the supervision of the manager, in a separate room in the same building or in another building in the same locality, and in the latter case either by itself or in co-operation with the Juvenile Department. Where the Exchange is a small one, the rules provide certain days or certain hours, when applicants for work or for workers in each of the different departments will be dealt with. The same rules as regards interior economy and records apply in the women's as in the men's department.

The Juvenile Department.

The Juvenile Department is necessarily more elaborate than either the men's or the women's departments. In the United Kingdom there are three different kinds of bodies carrying out the functions of the Juvenile Labour Exchange:

1. The Board of Trade Exchanges.
2. Those organized by local educational authorities.
3. Those organized by voluntary institutions.

The exact relationship of these different bodies and of the work which they are doing to one another must be clearly understood. Special rules of the Board of Trade with regard to the registration of juvenile applicants govern the work of the Juvenile Departments in the Labour Exchanges. These rules provide for the establishment of special Advisory Committees for juvenile employment in such areas as the Board of Trade may think expedient, whose duty it shall be to "give advice with regard to the management of any Labour Exchange in its district in relation to juvenile applicants for employment." In any case where a local education authority, having the power or acquiring the power to give advice and assistance to boys and girls with respect to the choice of employment, submits to the Board of Education a scheme for the exercise of those powers, which is approved after consultation with the Board of Trade, the foregoing rules are modified in three ways:

(*a*) The officer in charge of any Labour Exchange shall not undertake the registration of juvenile applicants for employment except in accordance with the provisions of the scheme.

(*b*) The special Advisory Committee for juvenile employment shall take no steps under Rule 5 (which provides for the giving of advice and assistance to boys and girls in respect to the choice of employment, etc.), except in accordance with the provisions of the scheme.

(*c*) The Board of Trade may, if it thinks fit, recognize, in lieu of any special Advisory Committee established or to be established under these rules, an Advisory Committee constituted under the scheme, and may either dissolve any special Advisory Committee or modify its area and constitution.

The Education (Choice of Employment) Act, 1910, gave to certain local education authorities power "to give boys and girls information, advice and

assistance with respect to the choice of employment." The reason for what might appear to be an unnecessary division of responsibility is the belief both on the part of the Board of Trade and the Board of Education that the employment of juveniles should be primarily considered from the point of view of their educational interests and permanent careers rather than from that of their immediate earning capacities. In order to avoid duplication of committees and disagreement, the Board of Trade only established special Advisory Committees in the event of the local education authority passing a formal resolution to the effect that they do not propose to exercise their powers under the Choice of Employment Act.

Voluntary institutions find their sphere of action without conflicting in any way with either of the other bodies. By voluntary institutions are meant girls' and boys' associations and clubs of all kinds, religious, physical, social, intellectual and industrial, such as the Young Men's and the Young Women's Christian Associations, the Boy Scouts, the Girl Guides, Athletic Clubs and Literary and Debating Societies. These do good work, but only a small percentage of the adolescent population in the country is reached through these voluntary agencies. Their activities are more or less haphazard. In some fields they overlap one another, while other fields are not touched at all. It is the work of the Juvenile Advisory Committee or of the Juvenile Advisory Sub-Committee (as the Committee is called when appointed by a Local Education Authority) to obtain the voluntary co-operation of these institutions in the vast field of work which follows the more mechanical but primary duty of getting the boy or girl a job, and which is known as after-care. Wherever possible their work is made more systematic; the voluntary agencies are encouraged to extend their activities and wherever they fail, the Committees must find some other means of carrying on the work.

The duties of the Board of Trade Labour Exchanges may thus be described as administrational. The work of the Committees on the other hand covers the educational advancement of the children, their supervision and after-care, and the co-ordination of this work with that of voluntary institutions—not at all an unwieldy plan when once these essentials have been grasped.

The special rules with regard to registration of juvenile applicants provide that registration shall be made, subject to such modifications as may be made therein by the Board of Trade, on the following form:

SCHEDULE TO SPECIAL RULES.

Particulars to be included on the Form for Registration of Juvenile Applicants for Employment:

Surname ..... Other names .....

Place of birth .....

Full address .....

Name of last day school and date of leaving .....

Standard or class in which the applicant was on leaving. .....

Whether applicant was a half-timer before leaving, and if so, how long? .....

Whether attending or proposing to attend any continuation or technical school, and if so, in what course or subjects, and whether in the day or evening. .....

Employment or employments since leaving school:

(1) .....

(2) .....

(3) .....

Employment desired .....

Whether willing to be apprenticed, and if so whether a premium can be paid. .....

Whether willing to take work at a distance .....

Remarks .....

Registration need not necessarily be made at a Labour Exchange, but may be made at such other places as may be recognized by the Board of Trade as suitable for the purpose. Forms containing such applications, if transmitted forthwith to a Labour Exchange, are treated as equivalent to personal registration. There is no clause in the rules limiting the length of time during which the registration is good, as in the case of the Men's Department. Much more variation is found in the treatment of the juvenile unemployed than in any of the other departments, owing, of course, to the much more involved nature of the problem to be dealt with, and to the large discretion allowed to the Juvenile Advisory Committees, and to the Juvenile Employment Sub-Committees. Variations are found in different localities.

In order that a boy or girl may be placed in the occupation for which he or she is best qualified, his or her career during the first two or three years after leaving school must be watched very carefully. The child may be placed, for reasons over which the Labour Exchange has no control, in one of the "blind alley" occupations, and at the end of a few years, may be without a job, or unfit for one. It is the duty of the Advisory Committee to see that the child is properly advised and is preparing, during those years, for some other occupation. Juveniles are discouraged, except in legitimate cases, from leaving one employment for another. They are encouraged in every way to prepare themselves for filling a higher position in their trade or occupation. In this work the Labour Exchanges act in close co-operation with night schools and continuation classes of every kind. Similarly it may not be possible to find employment for particular children on leaving school. The weeks or months intervening until such employment is found, if wasted, will be injurious to the child. In such cases arrangements are often made which give the children the mornings to devote to the work of finding employment and provide for classes for them in the afternoon, which will not only prevent them from deteriorating, but will make them better workmen and better citizens. A child may have been placed in employment which is unsuitable or gives no prospect of permanence. In this case, other employment must be found. For the above purposes and others of a kindred nature, a careful system of supervision is essential. Naturally, however, the whole of this field is as yet in the experimental stage. In carrying on this work the Committees depend largely for their help on the voluntary associations and on voluntary visitors.

The *Red Seal Leaflet* is given to boys and girls about to leave school:

LEEDS ADVISORY COMMITTEE FOR JUVENILE EMPLOYMENT.

12 GREAT GEORGE STREET.

(Opposite the Education Offices.)

(Red Seal.)

This office has been set up to help boys and girls, who are leaving school, or who are under seventeen years of age, to find suitable work. When you are seeking employment you should call at the office between 9 a.m. and 5 p.m. and see the Secretary.

No Fees.

The front of the School Leaving cards is filled in by the teachers, shortly before the children leave school, with particulars of their educational and physical qualifications, and is forwarded to the Exchange. The same forms are used for boys and girls, except that the cards are of different colors.

CONFIDENTIAL REPORT.

Juvenile Employment.

From .....

School.

Surname.....

Boys or Girls.

Other Names .....

Date of Birth .....

Standard.....

Probable date of leaving school .....

REPORT (Educational).

General subjects, especially English, Arithmetic, Writing .....

.....

.....

Manual Training .....

HEALTH REPORT.

Date of Examination .....

Physique .....

Height .....

Hearing .....

Eyesight .....

General Health .....

Employment before leaving school.

Give details .....

Going to continuation school.

Where .....

Course .....

Occupation recommended .....

or Occupation obtained (and where)

.....

Occupation of parent .....

General Character and Remarks .....

Wishes of parent with regard to (if known) .....

Voluntary organization to which attached, if any .....

Signature of Teacher .....

.....date.

L.E. 210.

On receipt of the School Leaving card *a letter is sent to the parents,* inviting them to call with the child at the Juvenile Exchange.

NEWPORT ADVISORY COMMITTEE FOR JUVENILE EMPLOYMENT.

Tel. No. Newport 535.
P.O.

LABOUR EXCHANGE,
147 Commercial Street,
Newport, Mon.

Dear Sir (or Madam):—

I write to inform you that your son (daughter) ..... now attending ..... school, has been registered as about to leave school and desiring employment.

If you have not already made satisfactory arrangements for your child's employment, the Advisory Committee and the Exchange will be glad to give you such assistance and information as they can in the matter, and may be able to bring definite vacancies to your notice. If you care to call at the Exchange, where a special room has been provided for juvenile applicants, at ..... p.m. on ..... with your child, a representative of the Committee will be glad to see you and discuss with you the possible openings for employment. If you are unable to come yourself you can send your child alone, but in this case I should be obliged if you would answer briefly the questions at the foot of this form. It is the special aim of the Committee to advise children with a view to their obtaining employment which will lead to permanent occupation.

I am desired at the same time to forward the enclosed leaflet giving information as to the evening classes organized by the Education Authority.

Yours faithfully,

.....

Secretary.
Advisory Committee for Juvenile Employment.

1. Whether parent is willing (*a*) to apprentice boy or girl; (*b*) to pay a premium of apprenticeship?

2. Whether boy or girl is about to attend evening classes, and, if so, in what subjects?

When they call they are usually interviewed by one or two members of the Juvenile Committee, sitting in rota, who discuss the question of employment for the child. The result of the interview is recorded on this form:

RECORD OF INTERVIEWS BY ROTA COMMITTEES, CORRESPONDENCE WITH PARENTS, ETC.

Name of Child .....

(x) (73467), Wt. 1224, C.O. 92.
8000 4-12 W.B. & L.

The child is now formally registered as an applicant for employment. *The back of his School Leaving card* is filled up as necessary by the Exchange officials and is filed in a card index cabinet at the Exchange.

Name.	Employment advised.	Trade No.
.....	.....	.....
.....	.....	.....
.....	.....	.....

Employers since leaving school.	Time with	Left	Wage.	Employed as	Remarks.	Date of leaving day school.
.....	.....	.....	.....	.....	.....	..... Record as
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....

Sent to	Name of employer	Order No.	Classification of vacancy	Placed. T.O.	Remarks.
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

The applicant is then given a brown Registration Card which serves the purpose both of advising him to call regularly at the Exchange and furnishing a ready means of identification when he does so:

BACK OF CARD.

REGISTRATION CARD ONLY.

Reg. No. ..... Trade No.....

Name..... Trade.....

Address .....

Date .....

I have obtained employment with .....

.....

Signed .....

N.B.—Change of address should be notified at once to the Secretary.

R. (J)
Le. 97.

Applicants are not to be taken as sent by the Exchange unless they produce a Green Introduction Card also.

NOT TRANSFERABLE.

FRONT OF CARD.

PLEASE READ THIS CAREFULLY.

If you obtain work, either through the Advisory Committee or otherwise, you should fill in this card and post it at once. No stamp is needed.

Until you obtain work you are advised to call daily; you must, in any case present this card at the address opposite every ..... between ..... and ..... in order to remain on the register.

No Fees.

O. H. M. S. Official Paid.

THE SECRETARY,
ADVISORY COMMITTEE FOR
JUVENILE EMPLOYMENT.

The Employer's Notification Card is used in many cases for the purpose of recording vacancies open to juveniles.

BOARD OF TRADE LABOUR EXCHANGES

ADVISORY COMMITTEE FOR JUVENILE EMPLOYMENT.

Tel. No. .....

I have at present a / I shall shortly have a } vacancy { for a boy as ..... / for a girl as .....

and should be glad to know of suitable applicants. A formal apprenticeship (is) is not proposed.

Wages .....Hours .....

Other conditions .....

Signature .....

Address .....

Date .....

L. E. 89.

(Front of card.)

If a suitable vacancy is available either at the time of the child's first interview or subsequently, he is sent to the employer with a green identification card in a sealed envelope. The employer is requested to sign and return the card (which is franked for free transmission through the post) if he engages the applicant.

Order No. ..... Date .....

ADVISORY COMMITTEE FOR JUVENILE EMPLOYMENT

BOARD OF TRADE LABOUR EXCHANGES.

Telegraphic address "Labex" Tel. No. .....

To . . ..

In reply to your request for .....

I am sending .....the bearer, who should present this card in a sealed, green envelope addressed to you. If you engage bearer please sign and return this card to me as soon as possible, even if the engagament is only temporary. If you do not engage bearer, please give this card back to (her) him unsigned.

.....

Secretary.

N.B.—Until this card is returned, the situation is considered open.

ENGAGED. Signature .....

1 (J)

L. E. 96

Either at this or at an earlier stage a letter is sent to a voluntary visitor with particulars of the child and instructions to keep in touch with him and report progress from time to time.

ADVISORY COMMITTEE FOR JUVENILE EMPLOYMENT.

.....19 . .....

.....

.....

Sir (or Madam):

I am desired by the Advisory Committee for Juvenile Employment to ask if you will be so good as to supply them from time to time with a brief report upon the boy (or girl) with regard to whom details are given in the accompanying form. Special slips are enclosed for this purpose.

The Committee would in particular be glad to be informed upon the following points:

1. General welfare, including home circumstances.
2. Circumstances of employment, with note of any change.
3. Further education. The school attended, or any special reason for non-attendance, should be shown.
4. Any special needs which it may be within the power of the Committee, either directly or indirectly to meet.

If out of work the boy (or girl) should be urged to re-register at the Exchange and information should be sent to me. In no case should the employer be approached without the Committee's sanction.

I am,

Yours faithfully,

.....

Secretary.

Accompanying the above letters are two forms, on one of which are particulars supplied by the Exchange with regard to the child, with a space for the visitor's own notes.

AFTER CARE.

PRIVATE AND CONFIDENTIAL (to be retained by Visitor).

Name.....Age.....Yrs.....Mths. Address .....

School..... Employment (give date).

Firm.....

Hours, wages, etc.....

Further education.....

Remarks.....

.....

.....Secretary. ..... 19 .

VISITOR'S NOTES: (for personal use).

L.E. 217.

On the other the Visitor forwards to the Juvenile Employment Committee periodical reports on the child's progress.

AFTER CARE REPORT.

PRIVATE AND CONFIDENTIAL (to be returned to the Secretary).

Name..... Address.....

REPORT:—

.....

.....

.....

Signature of Visitor ..... Date.....

The development of the Juvenile Department has been such, that in the United Kingdom, 423 Labour Exchanges, which deal with the placing of children and young persons, have been established by the Board of Trade. In forty-four districts the Board of Trade has established Advisory Committees for juvenile employment. Besides these, there are in London nineteen, and in Surrey fifteen Local Advisory Committees acting under the supervision of the County Juvenile Advisory Committee. In fifty-eight districts Local Education Authorities have established Committees. Every effort is made to find for each child the most suitable and permanent employment. There are four chief considerations: first, the child's school record; second, the child's own wishes; third, the wishes of the parents; fourth, the report of the Voluntary Visitor. Nor must it be supposed that this system interferes unnecessarily with the freedom of the child and his parents. The work is purely advisory. In many cases it is only a matter of record. A boy leaves school and passes into business under the supervision of a careful parent, or coming from a good home, is at once able to find employment for himself on leaving school; in such a case, there is no interference; the record, however, is always kept so that if, at some later time, the boy should want employment, the authorities will know how to advise him.

The Casual Labourer's Department.

The organization of the casual labour as a separate department has been a matter of later development and the practice is steadily increasing.

The Central Office.

The Central Office of the system which has just been described is in London. It is the last link in the system, and serves the purpose of drawing together the different Departments, the Individual Exchanges, the Advisory Committees of various kinds, and the Divisional Offices themselves, into one smooth running machine. All questions affecting the system as a whole are settled there; and in London the rules and regulations which govern the work are prescribed.

An important provision in the General Regulations insists that the Central Office must be consulted by the Officer in charge of a Labour Exchange, before notifying, to applicants for employment, vacancies at any point outside the British Isles.

The Transference of Labour.

Closely related to the work of the Divisional Office, are the social arrangements which have been made by the Board of Trade for giving fluidity to the system.

"Where an applicant for employment has been engaged through a Labour Exchange at which he is registered, to take up employment at any place removed from the Exchange, or from his ordinary residence, by more than five miles by the quickest route, or by such other distance as the Board of Trade may direct from time to time, either generally or as regards any specified district, the officer in charge may, at his discretion, make an advance to the applicant towards meeting the expenses of travelling to the place of employment."

It is immaterial whether employer or applicant makes the request, but which ever does so must give such undertaking with respect to repayment as the Treasury may prescribe. The advance must not exceed the amount required to defray the

applicant's fare to the place of appointment, and is made by the provision of a ticket or pass, or in exceptional circumstances, in cash. Care is taken to avoid unduly encouraging rural labourers to migrate from the country to the towns, or between Great Britain and Ireland. Where there is no suitable applicant on the register of the Exchange to which the employer has notified a vacancy, the vacancy is first communicated to the neighboring Exchanges, and it is only when unfilled by them that it is circulated throughout the United Kingdom.

From the opening of the Labour Exchanges in February, 1910, up to the end of September, 1913, the total number of cases in which advances had been made was 34,000. A total of £10,400 was advanced, and of this £9,500 had been recovered by the end of September, 1913. These statistics show plainly the excellent working of this end of the system.

The Divisional Office.

The United Kingdom is divided into eight divisions:

1. London and South-Eastern.
2. South-Western.
3. West Midlands.
4. Yorkshire and East Midlands.
5. North Western (Lancashire and Cheshire).
6. Wales.
7. Scotland and Northern.
8. Ireland.

In each one of these divisions is what is known as a Divisional Office, which exercises a general supervision over all Labour Exchanges in its District; has charge of the important financial arrangements; maintains a regular system of inspection over the Labour Exchanges under its jurisdiction, and, most important of all, acts as the clearing house for the Division.

All the Exchanges within the area of the Division are visited periodically by the Divisional Officer and his staff. The work which has been done, and the office methods are inspected; the more important employers are interviewed; and the Divisional Officer speaks at meetings promoted for the purpose of advertising the Exchanges. The Divisional Officer also deals with all disciplinary questions, promotions, transfers, and new appointments.

At each Divisional Office is a Divisional Clearing House. The Divisional Officer has a large discretion in organizing the work of the Clearing House, and is concerned with circulating the vacancies notified to it which the local Exchanges have been unable to fill. In turn, it receives lists of unfilled vacancies from other Divisions, and circulates them among its own Exchanges. In some Divisions a surplus labour list is prepared and circulated in the same way.

The Divisional Office consists usually of a Board Room for the meeting of the Advisory Trade Committee (about 20-40 members) a room for six clerks, a room for two stenographers, and a spare room for emergency work.[1]

[1] The above description of a Divisional Office and its work refers to the period before the work of Unemployment Insurance was associated with that of the Labour Exchanges. It has been thought advisable to do this, as it is impossible at the present time satisfactorily to separate the one department from the other.

APPENDIX B.

CALCULATIONS OF PROBABILITY.

By Mr. Alfred T. DeLury.

(*a*) The statistical formula to which reference is made in Part II, Chapter 1, Section 1, is one employed to assign limits to the possible error, when a judgment is reached in regard to a body of cases, from the examination of a comparatively small number of them. It finds application when the cases examined can be looked upon as a fair sample of the whole, and this is what is implied by the word *random* in the text. Thus if an investigation into housing conditions in a large city were undertaken, the blocks of houses selected for examination would be chosen, in respect of number and locality, with a view to presenting a fair indication in regard to the total.

In the investigation of unemployment among manufacturing operatives, the choice of the industrial establishments to report was not in strict accord with the requirements stated, but the selection that actually offered itself was one that, from general considerations, would yield a percentage in each group of industries, lower than could be expected from returns more nearly complete. With this understanding or reservation, the limits of error in the percentage of unemployment have been submitted.

For those who may be interested, the following statement rather than explanation is given. Suppose the total number of cases is N, and that when a relatively small number of them, suitably taken, are examined, a percentage p of them show a certain mark or property. Then pN of them have this mark, and it is concluded that pN is a fair indication of the total number with this mark. The *probable error* is $.67\sqrt{\frac{p(1-p)}{N}}$: that is to say, it is as likely as not that the error, in taking p as the percentage over the total number, is not greater than the number given as the probable error. Further, the theory shows that an error, i.e., a difference between p and the actual percentage of the whole, which is five times the probable error, is practically impossible. The number N of cases to be examined depends in a general way upon the complexity of the problem, but usually a percentage of the total lower than four or five or six is regarded as not affording a sound basis.

For the application made in this Report, the returns covered 8% of the number of cases to be examined, and, in comparison with other studies, were complete and satisfactory.

(*b*) In every science the fundamental questions have reference to that relation between two facts or sets of facts, usually described as causal. Accordingly, in statistics, when two tables in some connection of time or place are given, the question of cause is almost inevitable, and, as might be expected, methods leading to a judgment upon this matter have been devised. Of necessity they rest upon the mathematical theory of probability, and for their establishment the reader is referred to Bowley's Elements of Statistics, pp. 316 et-seq., (Edition of 1902), and to the papers there mentioned. The methods show when it may be stated that there is a sufficient reason for assuming a causal relation, and yield a figure

lying between 1 and —1, called the *coefficient of correlation,* which, as it is higher or lower numerically, points to a stronger or weaker causal relation. When the coefficient r is not greater than its probable error, $.67\frac{1-r^2}{n}$, where n is the number of facts in either set or table, no causal relation can be assumed, but when r is greater than six times its probable error, it may be assumed that the causal relation exists.

Applied to the return of the Board of Trade giving the Unemployed Percentage for the years 1878 to 1912, and the annual average of the Minimum Rate of Discount, the theory gives the following results:

Coefficient of correlation, $r = 0.535$
Probable error of $r = 0.08$

Here r is between six and seven times as great as the probable error, and it may be concluded that a causal relationship exists, a decline in the rate of discount being attended by an increase in unemployment, and *vice versa.*

APPENDIX C.

THE REGULARIZATION OF INDUSTRY BY EMPLOYERS.[1]

By Dr. John B. Andrews, Secretary to the American Association for Labour Legislation.

In the regularization of industry a large responsibility lies directly upon employers to regularize their own businesses. Every attempt should be made within the limits of each business to make every job a steady job. Sincere efforts in this direction on the part of the employer can accomplish much. Among the things which he can do are:

(1) Establishment of an Employment Department. The employer should establish, as part of his organization, an employment department, having at its head an employment manager whose special duty it is to study the problems of unemployment in the individual shop and to devise ways of meeting them. Such a department would aim at:

a. Reduction of the "Turnover" of Labor. By a study of its causes through records of "hiring and firing," reduction could be made in the "turnover" of labor which is at present so excessive that factories frequently hire and discharge 1,000 men in a year to keep up a force of 300.

b. Reduction of Fluctuations of Employment Inside the Shop. Among the methods that might be used for this purpose are:

(*a*) Systematic transfer of workers between departments.

A Massachusetts candy factory has succeeded, through transferring workers between departments, in overcoming the usual irregularity of the industry and in keeping its force at the same level throughout the year.

(*b*) Employing all on part time rather than laying off part of the force.

This policy was widely recommended in the winter of 1914-1915, notably by the Unemployment Commissions of New York and Chicago, and by the Chamber of Commerce of Detroit. A large New Hampshire shoe factory employed half of its regular force each alternate week with complete success.

(*c*) Arranging working force in groups and keeping higher groups employed continuously. Those in lower groups will then be encouraged to keep out of the industry altogether, or to combine it with some other occupations to which they can regularly turn in the dull season.

(*d*) Keeping before the attention of the rest of the organization the importance of regularizing employment.

Many progressive firms are now engaging the services of employment managers, and in Boston, New York, and Philadelphia, employment managers' associations have been formed for the co-operative study of their problems.

[1] Reprinted by permission of the author from "A Practical Programme for the Prevention of Unemployment in America," Fourth Edition, pp. 14-17, American Association on Unemployment.

(2) Regulation of Output. The employer should regulate his output and distribute it as evenly as possible throughout the year. Methods to this end are:

a. Record Keeping and Forward Planning. Yearly curves should be kept, showing production, sales and deliveries day by day, week by week, and month by month; and an effort should be made each year to level the curve and to smooth out the "peak load." Production should, when possible, be planned at least six months ahead.

A manufacturer of Christmas novelties keeps production regular throughout the year by sending out samples and booking orders one year in advance.

b. Building Up Slack Season Trade. Special instructions should be given to sales departments and to travelling salesmen to urge customers to place orders for delivery during the slack season. Special advertising also stimulates trade in dull periods.

Some firms threaten delayed delivery on goods at the height of the season. Many firms offer especially low prices in the dull season, grant special discounts, make special cheap lines, or even do business without a profit simply to keep their organization together and to supply work for their forces. The mine owners by selling anthracite coal 50 cents a ton cheaper in April than in November have adjusted its sale and production so that work at the mines is more evenly distributed throughout the year.

c. Keeping a Stock Department and Making to Stock as Liberally as Possible in the Slack Season. The making of goods to stock requires the tying-up of a certain amount of capital, but many employers feel this to be balanced by the gain in contentment among the workers and the increase of efficiency and team spirit in the organization. They have the further advantage of being able to supply goods immediately on order.

This method keeps many firms busy. It is more difficult in industries where goods are perishable or where style is an important factor, as in garment making and shoe making, but even here there are conspicuous examples of its success. Other manufacturers deliberately follow a conservative style policy, or concentrate the making of staple styles in the slack season.

d. "Going After" Steady Rather Than Speculative Business. Well organized business with a steady demand and a regular and sure profit can afford to dispense with the irregular and unreliable gains of a speculative business which often involve disorganization and irregularity of production.

e. Careful Study of Market Conditions and Adjustment of the Business to Take Advantage of Them. A broad market provides more regular business than a narrow one. Foreign trade supplements domestic trade, and orders often arrive from southern and far western markets when the eastern market is slack. A diversity of customers will usually provide a more regular demand than concentration on one or two large buyers. The retail trade will often take a manufacturer's goods just when the wholesale season has stopped.

In the shoe industry the ownership of chains of retail stores has enabled some manufacturers to regularize their business considerably, and a garment manufacturer who owns his own retail store is able to stock that just as soon as his wholesale orders run slack.

f. Developing New Lines and Complementary Industries. A diversity of products will often help to regularize a business. Many manufacturers study their plant, the nature of their material and the character of the market to see whether they cannot add new lines to supplement those they have and fill in business in the slack seasons.

One rubber shoe manufacturer, for example, adds rubber sheeting, rubber heels, tennis shoes, rubber cloth and rubber tires, and achieves a fairly regular business.

g. Overcoming Weather Conditions. Special refrigerating, heating, moistening, drying or other apparatus proves effective in many industries in enabling operations to be continued even in unfavorable weather. Even in the building trade the amount of winter work can be increased by provision for covering or enclosing and heating work under construction.

Brick making has been made a regular twelve months' industry instead of a seasonal six months' industry by the introduction of artificial drying.

(3) Co-operation with Other Employers. Employers could by collective action do much to diminish the extent of unemployment and to abolish trade abuses which lead to it. For instance, they could co-operate to:

a. Arrange for Interchange of Workers. A number of employers in the same or in related industries could arrange to take their labor from a central source and to transfer workers between establishments according to the respective fluctuations in business. This would prevent the wasteful system of maintaining a separate reserve of labor for each plant. The best agency for effecting this transfer is, of course, the public labor exchange.

The building trades employers of Boston have agreed to hire all their labour from one central source. The result is that the workmen are directed without delay from one employer to another and secure much more regular work.

b. Provide Diversity of Industries. Through chambers of commerce or similar organizations an effort should be made to provide communities with diversified industries whose slack seasons come at different times, so as to facilitate dovetailing of employments.

c. Prevent Development of Plant and Machinery Far Beyond Normal Demand. An installation of equipment, the capacity of which is far in excess of orders normally to be expected, is not only a financial burden, but it is a continual inducement toward rush orders and irregular operation.

In some industries this unhealthy tendency is counteracted by the distribution of excessive orders among other firms whose business is slack.

d. Prevent Disorganization of Production Due to Cut-Throat Competition. Agreements can in some cases be made to restrict extreme styles and other excessively competitive factors which serve to disorganize production.

A shoe manufacturers' association has successfully carried out agreements fixing the styles they will manufacture during the season.

(4) Co-operation with Other Efforts to Regularize Employment. Employers should co-operate with all other efforts put forth in the community to regularize employment, especially with the public employment exchanges. Employers should make a special point of securing as much of their help as possible from these exchanges.

APPENDIX D.

LOCAL GOVERNMENT IN GREAT BRITAIN AND CANADA.[1]

By Mr. Thomas Adams, Town-Planning Adviser, Commission of Conservation, Ottawa.

The system of local government in Canada in its earlier forms was largely framed according to British precedents, but unlike the parent system from which it sprung it has not been re-cast to suit modern conditions and to make it adaptable to large cities. The British system was entirely reformed in 1882 and since then has been working with great smoothness and uniform success. Whatever change the Canadian system has undergone has largely been modelled on experiments in municipal reform which have been carried out in the United States, and no serious attempt has been made to follow the lines of the British reform. The nature of the experiments in the States and their varied character, have, however, helped to show that local government in the United States was in too backward a condition to make it a suitable model for another country to follow. On the whole I think Canadian local government has a better foundation than that of the great republic, and its reform should proceed along British rather than American lines. The theory that Canadian conditions approximate to those of the States more than they do to those of the mother country is only partly true. For one thing our constitution is quite different from that of both countries, but probably follows most closely after the lines of the elastic constitution of Great Britain. Secondly, the claim that men of ability and leisure are not available for public service on this continent, as they are considered to be in Britain, is in my opinion the result of error. In this latter respect the advantage possessed by Britain is not in any difference in the character or capacity of the men available, but in the fact that its system helps to draw comparatively good men into public life, whereas in Canada and the States the contrary is more frequently the case.

One reason for this is that members of local authorities in Britain do not require to give up so much of their time to their public duties, as they leave executive details to officials, and they obtain reliable and competent officials because there is not undue interference with their work. Moreover, the election of the Mayors by the Councils, their position as presiding instead of as executive officers, and the longer terms of service of members all help to procure greater efficiency and continuity of policy.

But the chief advantage of the British system is due to the uniformity of administration and the oversight of municipal affairs which is secured by having a central department of the State devoting its whole attention to questions connected with local government. This department provides a system of double checks over all municipal expenditure, enables the smallest of municipalities to secure expert advice and guidance and to avoid the repetition of mistakes in connection with public works, ensures an efficient and independent audit of accounts, and gives to the taxpayers a court of appeal from the decisions of their local representatives. The central department is known as the Local Government Board —there being three such Boards—in England, Scotland and Ireland respectively.

[1] Memorandum submitted to the Commission by Mr. Thomas Adams, Commission of Conservation, Ottawa.

One of the duties of these Boards is to secure uniformity of administration and to supervise expenditure in connection with unemployment. Any efficient system of dealing with unemployment in Canada will necessitate the establishment of provincial machinery working through local administrative authorities. As soon, however, as questions affecting the expenditure of public money to relieve unemployment are dealt with, other problems of local finance and in regard to the carrying out of public works and local improvements arise. There is an interrelation between these questions, and indeed between all questions of local administration, and a need for uniformity, which makes it desirable for departments to be set up in each province of Canada to exercise some measure of supervision and to give skilled advice to local authorities. This suggestion will be better understood if a description of the powers and duties of the Local Government Board in England is given. I am indebted to the Municipal Year Book for much of the information contained in the following description:

English Local Government Board.

The Local Government Board of England was formed in 1871 as a result of recommendations made by the Royal Sanitary Commission, with a view to reducing overlapping and inefficiency in local government. Since the Board was created it has had numerous other duties added to it and its creation "has been more than justified from the point of view of improved sanitation alone." The Act which added most to its importance as a sanitary and public health body was the Public Health Act of 1875.

The Local Government Board is a department of the government with a Cabinet Minister as President, in whom all power is vested. Its duties and powers are too numerous to summarize here, but the following are the more important:

Finance.—The Board is the great loan sanctioning authority. Except where money is borrowed under special provisions contained in local acts, a Local Authority which desires to borrow money for capital purposes *must,* generally speaking, obtain from the Local Government Board its approval of the scheme or works, and its sanction to the borrowing of the required funds. Its sanction enables the Local Authority to obtain the funds from the treasury or the Public Works Loan Board. In Canada such an arrangement could not be carried out as actual cash is not available to the same extent for public loans, but a central department of a province could approve the raising of bonds for a specific purpose and incidentally approve the scheme or works for which the bonds were required to be raised. Both things are important. The approval of the bond as a correct and reasonable commitment would be an advantage to the municipality in that it would give greater security to those from whom it borrowed. It would improve the method of municipal accounting by making it necessary for all matters to be disclosed in proper balance sheets and impartially audited, showing the exact state of affairs in each city, at regular and frequent intervals, and it would secure that all works were carried out in a satisfactory manner with due regard to durability and economy.

The function of a Central Department would be to specialize in the kind of knowledge and experience which would enable it to give each separate municipality the benefit of valuable expert advice, and this expert knowledge would on the other hand, enable the Central Authority to prevent mistakes and wasteful expenditure where these were likely to be incurred.

The following is an extract from the Board's annual report for 1906-1907, showing how it exercises its powers:

"We have, as in previous years, required the borrowing authorities to supply us with detailed particulars as to the manner in which it has been proposed to expend the loans which we have been asked to sanction, and we have been careful to satisfy ourselves that the works for the execution of which our sanction has been given were reasonably required, that due regard has been paid to economy, and that the cost of the works had been properly estimated. With the view of obtaining full information on these points, *and of affording all persons interested an opportunity of being heard on the subject,* we have in relation to a large number of the applications for permission to borrow money, caused local inquiries to be held by our inspectors after public notice in the districts. Before granting our sanction we have also required the authorities to inform us of the arrangements made for the due discharge of their debt, if any."

Audit.—The Board is the head of an extensive system of audit. The accounts of Local Authorities, other than large corporations and education accounts, are subject to a yearly or half-yearly audit by an auditor appointed by the Board. Large corporations not subject to the audit of the Board have to submit their accounts to three auditors, two appointed by the ratepayers and one by the Mayor. England and Wales are divided into 50 districts, each of which has its district auditor. These officials have large statutory powers enabling them to require the production of accounts and to disallow and so surcharge illegal expenditure. The Board has also power to require payments to be made to the Local Authority which may be withheld by reasonable persons, and to sanction expenditure which might otherwise be challengeable. This audit, coupled with the system of sanctioning loans, gives a security to municipal finance in England which has a great value to the ratepayers in that it prevents wasteful expenditure and makes it possible for money to be lent to them at the lowest rate of interest.

Public Health.—Every county and sanitary district in England has its Medical Officer of Health and copies of their reports have to be sent to the Board who examine them with a view to ascertaining the public health in each district. Where necessary, local inspections are made. The Board's sanction is required to an appointment of M. O. H's. and sanitary inspectors, and their consent is also necessary in case of dismissal. Work of a similar kind is carried out in Ontario by the Provincial and Local Boards of Health.

By-laws.—The Local Government Board has to approve by-laws made by the Local Authority under the Public Health Acts and other public health statutes. Model codes of by-laws relating to different matters are framed by the Board from time to time and local authorities are permitted to exercise a discretion in selecting local codes from these model codes. This secures uniformity in regard to by-laws affecting building construction, the use of land and local improvements. These by-laws relate primarily to streets and buildings, with a view of securing proper sanitary conditions and sound construction. The ordinary procedure by-laws of the Local Authority are not thereby affected, but matters which affect all communities in common, such as the width of streets or the character of the water supply, are dealt with on the same principles throughout the whole country. The Board has also power to frame regulations in regard to matters concerned with the prevention and treatment of disease, etc.

Private Bills.—The Board undertakes the important duty of examining private or local bills which are submitted to Parliament so far as such bills deal with

matters under their jurisdiction. The Board's report on these bills enables Parliament to understand their effect and where they involve departure from the existing municipal law or practice.

Unemployment.—Labour questions in England are divided into two categories, the one relating to ordinary questions affecting the regulation of employment, labour exchanges, settlement of industrial disputes, collection of statistics, workmen's compensation, etc., and the other affecting relief of unemployment and expenditure of public money in providing such relief. The first class is dealt with by the Board of Trade, another department of the government with a Cabinet Minister at its head and having under its jurisdiction all questions affecting industries and labour, including railways, shipping, etc. The latter is very properly dealt with by the Local Government Board, as it involves the use of the machinery of local government, the control by local authorities of public works carried out to relieve distress, and to some extent touches on questions relating to the administration of the poor law. These two classes of labour questions could very well be dealt with by separate departments in Ontario, but whatever may be arranged in this respect it will not be satisfactory to have separate departments dealing with municipal affairs and with matters relating to unemployment. Hence the suggestion which I have made to the Commission that a department of municipal affairs or Local Government should be set up in the province to deal *inter alia* with the relief of unemployment through the local authorities.

Miscellaneous Powers.—The Board may confer urban powers on rural authorities. It is also the authority to which applications are made in regard to the extension of municipal boundaries. Such extensions come under the jurisdiction of Parliament, but the first step which the municipality has to take in respect to this matter is to apply to the Local Government Board.

The Board also deals with Old Age Pensions, all matters connected with Vaccination and the sale of food and drugs; is the Authority in respect of the Burial Act, the Rivers Pollution Act, etc. It is also the Authority for taking the census of population.

Administrative Areas.—The municipal administrative areas which came under the control of the Board at December 31, 1913, were: 79 county boroughs, 29 metropolitan boroughs, 248 non-county boroughs, 805 urban districts, and 657 rural districts.

Municipal Government.

There can be no proper understanding of the English system of local government without a knowledge of the intimate connection between the local authorities and the central department just described. With this knowledge, it is easier to understand by what means the English system secures its freedom from dishonest dealing on the part of public men, and attains uniform efficiency. The constitution of the municipal bodies themselves underwent considerable change with the passing of the Municipal Corporations Act of 1882. It will be noted that this change took place eleven years after the creation of the Local Government Board, and it may be inferred that part of the change was due to the need for removing defects discovered by the Board. This was a consolidating measure repealing other acts which had been passed previously. This Act has been successful in working and is worthy of being considered as a model, when considered as part of a system which includes a central department of the State. It was prepared by Lord Cairns, one of the most eminent Lord Chancellors of England.

The functions and work of a municipal council are exercised under three distinct statutes—the Municipal Corporations Act, the Public Health Acts and the Education Acts. The first deals with the constitution and general powers of the council, as the governing body; the second, with the powers and duties of sanitary authorities, and the third, requires that the council shall be the Local Educational Authority.

Accounts.—There is no standard form of accounts for boroughs, (i.e., the smaller cities) and though the Local Government Board has power to prescribe the forms to be used by sanitary authorities or by councils acting as sanitary authorities, no order has been issued in the matter. The audit of the accounts of town councils, i.e., large city corporations, is provided for by the annual appointment of three auditors, two elected by the citizens and one appointed by the Mayor, the latter of whom must be a member of the council. The treasurer has to submit his accounts half-yearly to the auditor, and after the second half of the financial year, must print a full abstract for the year. Ratepayers are entitled to inspect the abstract and to obtain a copy of it on payment of a reasonable sum. Unlike the auditors of the Local Government Board, these local auditors have no power of disallowance or surcharge. Most of the large corporations employ and pay firms of chartered accountants to audit and check their accounts.

The above are the steps taken by corporations which do not come under the district audit of the Local Government Board already referred to.

Sanitary Powers.—The town council by virtue of its position as sanitary authority, is responsible for working the Public Health Acts. As such, it appoints medical officer and inspector of nuisances. It is required to make provision for the effectual drainage of the borough and for proper sanitary accommodation for all dwelling houses. In so far as it makes by-laws relating to new streets and buildings, these must be confirmed by the Local Government Board. It has also power to deal with and regulate common lodging houses, nuisances, cellar dwellings, unsound meat, infectious diseases and epidemics, cemeteries, public parks, slaughter houses, markets, etc. It may also *adopt* various enabling statutes which can be applied in England. It may obtain from the Board of Trade a provisional order authorizing it to construct street railways, or to supply gas or electricity.

Town Planning and Housing.—Corporations have large powers conferred upon them under the acts relating to town planning and housing. A Medical Officer of Health has power to represent any area as unhealthy and requires the local authority to make an improvement scheme in respect of such area when it receives the representation. Dwelling accommodation has to be provided for working classes displaced by scheme. Twelve or more ratepayers may make complaint on default of Medical Officer of Health. Power is given to acquire land and to borrow money for the above purposes. The Medical Officer of Health has to report on any house which is "unfit for human habitation," or four or more householders may do so. If, on receiving the complaint, the local authority fails to act, the complainants may petition the Local Government Board which, after holding a public inquiry, may order the local authority to proceed. It also shall be the duty of local authority to inspect its own district to ascertain whether any dwelling houses are unfit for human habitation. If in any of these circumstances, such houses are found, proceedings may be taken against owner to have them closed or demolished under penalty for failure. An owner may appeal against order for demolition to the Court. Local authorities have power to pre-

pare schemes for reconstruction of areas, comprising houses closed by closing order. Land can be acquired for housing schemes for the working classes and houses erected upon it. Or they may purchase houses, exchange sites, manage and make by-laws affecting such houses.

The local authority may advance money to residents in houses to purchase houses, the sum so advanced not to exceed four-fifths of market value, or $1,100: repayment to be made by instalments, including principal and interest.

Money may be borrowed to 80 years.

Public Utility Societies, i.e., those limiting dividends to five per cent., may borrow up to two kinds of value of land and buildings. (The rate of interest in 1913 was 3¾ per cent. and the term of years for repayment 30 years to such Societies.) Powers are extended to enable local authorities to lay out and construct streets as well as build houses. Four inhabitant householders may complain to Local Government Board that houses are needed in a district, and if the Local Government Board finds, after local inquiry, that this is so, and local authority fails to provide the houses, the Local Government Board may require it to do so.

In any contracts made by landlords at a rent up to £40 (in London) or £26 (in other towns), or £16 in rural districts, it shall be an implied condition that the buildings are reasonably fit for human habitation, and are to be kept in good condition and repair.

The inspection of the sanitary conditions of districts is made compulsory and records have to be kept. Rooms which are 3 feet below surface of ground are deemed to be injurious to health, if less than 7 feet in height or are not ventilated to satisfaction of Local Government Board. If after three months, a dwelling house which is condemned is not demolished or repaired, local authority may order demolition, etc., etc.

Local authorities may prepare town planning schemes for the land in their areas to secure proper sanitary provision, amenity and convenience in the lay-out of the land, subject to approval of Local Government Board.

Unemployment.—When there is any evidence of want of employment in any district, a special committee is usually appointed to deal with the matter. Money is obtained by grant from the central government and the local authority and this is spent in carrying out public works. Cases of destitution which cannot be met by the provision of work have to be dealt with by the local poor law authority—the Board of Guardians. Charity can only be administered through this Board which also comes under the central jurisdiction of the Local Government Board.

Local Government in Ontario.

There is no central department in Ontario dealing in any general or comprehensive way with the supervision of local government. Public health matters come under the control of the Provincial and Local Boards of Health, but these bodies need have no engineering members and have no power or special qualification to deal with the financial aspects of any undertaking.

Under the Municipal Acts and the Cities and Suburbs Act, certain powers are given to the Railway and Municipal Board. It is the administrative authority in connection with the formation of new corporations, the alterations of boundaries of municipalities, the subdivision of suburban areas in cities having over

50,000 population, and the confirmation of certain by-laws relating to public highways, streets and bridges.

General Provisions and By-laws.—Each Council appears to be able to pass by-laws which are not money by-laws or which are not subject to the Public Health Act and to alter or revoke such by-laws at its pleasure. In regard to money by-laws, the procedure is cumbersome and in very large cities must cause great labour. The assent of the electors has to be obtained by vote with certain exceptions such as under the Local Improvement Act or where authority is obtained in certain cases from the Municipal Board. In cities like Toronto these by-laws have grown to enormous proportions and the question of enforcing them is frequently left to those in whose interests they are passed.

Finances.—Subject to the requirements of the Act as to keeping of accounts, apparently any Council may audit its accounts as it chooses, subject to submitting them as a matter of form to the Provincial Auditor. A City Council may employ an Auditor as an officer of the Council and his daily audit is all that is required. In effect he is the Council's accountant, and is subject to dismissal by those for whom he keeps the accounts. No bank would accept that as a sufficient audit of the accounts of a private corporation.

Municipalities have power under the Local Improvement Act to open and alter streets, pave streets, construct bridges, sewers, extend systems of water, gas, light, and power works, lay out and improve parks, etc., and to assess part of cost on frontages. The Ontario Railway and Municipal Board has to approve work in case of streets and railways where cost exceeds $50,000 and any person whose property is especially assessed objects.

Apart from this exception a by-law may be passed to undertake the work either

(*a*) On petition or

(*b*) On initiative of Council except in case of park or square or public drive.

(*c*) On sanitary grounds on recommendation of Board of Health.

(*d*) Private drain connections or in case of certain works, on two-thirds vote of Council.

In many cases, owing to defective engineering work or owing to debentures being spread over too long a period, the improvements become exhausted before the debentures are completely met. In such cases authority has to be obtained to write off the loss to the municipality.

The Ontario Municipal legislation seems to have grown up as requirements developed and not to have been elaborated on any definite system. Isolated needs have been dealt with in by-laws as the needs arose and on no settled principle, e.g., by-laws regarding heights of buildings have followed the course of adapting the by-laws to suit whatever building was proposed to be erected instead of adapting the buildings to suit the by-laws. Perhaps this may have been regarded as inevitable in face of the new and rapidly changing conditions, but the time has come to settle certain principles on the basis of the experience gained, to consolidate legislation and to establish some uniformity in municipal administration.

In regard to finance the present time of financial stringency is a good time to consider whether any improved system could be devised to strengthen the security which municipalities are able to give for public loans raised on municipal bonds or debentures, by providing for some form of supervision of municipal expenditure and an impartial audit of accounts.

There is urgent need in Ontario for a central department devoting its whole attention to municipal affairs as a whole, to secure

(*a*) general uniformity of administration or procedure, the employment of skilled financial, engineering and medical advice on all aspects of municipal affairs;

(*b*) the linking up of public health administration with town planning, housing or highway administration;

(*c*) the proper control of extended municipal enterprise in regard to public utilities;

(*d*) the framing of by-laws on principle and not on local expediency;

(*e*) the application of right principles in regard to extension of municipal boundaries;

(*f*) and the rendering of valuable service to the municipalities by the giving of skilled advice from a central department. Such a department should be formed primarily to help and not to control municipal affairs. In a sense it could only help by reason of having some powers to confirm local action but in both senses it would be rendering a public service.

Small municipalities have not the means to employ men of the highest skill and are therefore frequently led into error and wasteful expenditure. They are compelled to act independently of adjacent municipalities in regard to the construction of works which could be made much less costly under co-operative action confirmed and approved by a central department. They have few opportunities of learning to avoid mistakes by reason of their knowledge of the mistakes of others. When they issue bonds or debentures they cannot give those from whom they wish to borrow money any higher authority than themselves for the soundness or wisdom of their expenditure and their system of auditing does not give confidence to the lenders. In every sense they stand to gain by having a higher authority to help, advise or approve their work and expenditure. In a limited sense the larger corporations will equally gain but with them it may be necessary to interfere less with local autonomy. The desirable thing is to strike the happy mean between the present chaotic and haphazard system and one which might be regarded as despotic and interfering.

Town Planning and Housing in Ontario.—Action in Ontario is limited to (1) assisting Housing Companies with their finances through the guaranteeing of bonds, (2) requiring the submission of plans of sub-divisions to the Ontario Railway and Municipal Board for approval, and (3) enabling the Provincial Board of Health to inspect and condemn unsanitary dwellings, overcrowding, etc., with the assistance of Medical Officers of Health and Sanitary Inspectors. The Board of Health has wide powers as regards employment and dismissal of medical officers and is the confirming authority as regards certain sanitary by-laws.

Unemployment.—There is practically no provision under the provincial laws for dealing with cases of unemployment during periods of slackness. In the absence of such provision local authorities are left to deal with the situation as it arises, work is found in a few cases, but when any real distress occurs it is met by dispensing charity. This is a vicious practice under any circumstances where it can be avoided, but if it has to be resorted to the responsibility for administering charity should be conferred on a special body to be created for the purpose. It is improper for a Municipal Council whose members are dependent on the votes of those who receive charitable relief, to administer such relief. The whole matter requires urgent attention on the part of the Provincial Government.

To have a completely satisfactory system of central administration of industries, trade, labour, public health and municipal affairs, it would probably be necessary to have two departments, one corresponding to the Board of Trade and the other to the Local Government Board of England, with responsible ministers at their head. Such a system would involve the merging of the present Labour Department in a larger department to deal with industries, railways, labour, public utilities, public safety, etc. Part of the present functions and duties of the Railway and Municipal Board would thus have to be transferred to such a department, which might be described as the *"Department of Trade and Labour."*

The second department would deal with all municipal affairs, including the municipal work of the Railway and Municipal Board, the work of the Provincial Board of Health, and all questions of municipal expenditure, unemployment, etc., and might be described as the *"Department of Municipal Affairs"* or the *"Department of Local Government."* The latter is a more comprehensive term and best describes the scope of the proposed department.

It is recognized, however, that such a complete reconstruction in the administrative system of the Province is not practicable at present, and that it might not be desirable to make so great a change all at once, but it is suggested that whatever steps are now taken should be with a view to establishing eventually a proper system on some such lines as are indicated above.

Suggested Reforms.

In the meantime it is suggested that the functions and duties of the Labour Department be extended to embrace questions relating to trade, unemployment and municipal affairs and be re-named the "Department of Trade, Labour and Local Government."

It should have two Deputy Ministers, the present deputy dealing with all questions relating to trade and labour and a new deputy dealing with all questions relating to municipal affairs. Ultimately the department would require to have expert assistance, including engineers, medical officer, architect, auditors, and legal adviser.

Provision should be made for co-operation with the Railway and Municipal Board in regard to town planning, with the Board of Health in regard to public health and with the Highway Commissioners in regard to highways.

The following are some of the most important matters which would require attention in so far as they are not already dealt with by the existing Boards and the Department of Labour.

I. Trade and Labour.

(1) *Trade.*
- (*a*) Industrial Disputes.
- (*b*) Factory Regulations
- (*c*) Statistics, etc.

(2) *Labour.*
- (*a*) Labour Exchanges.
- (*b*) Statistics, etc.

II. Local Government.

(1) *Public Health.*

(2) *Engineering and Town Planning.*

Highways, Housing, Local Improvements, etc.

(3) *Finance.*

Audit, accounting, approval of issue of bonds, etc.

(4) *Unemployment.*

(*a*) Expenditure on relief works, etc.
(*b*) Labour colonies, etc.

(5) *Public Works, etc.*

(*a*) Extension of boundaries.
(*b*) Street railways and public utilities, generally.
(*c*) Drainage, (Provincial and Municipal).

The plan that has been outlined might, to begin with, cost $25,000 a year; but it would save the municipalities of the Province hundreds of thousands of dollars in the economies that would be effected, in the waste that would be eliminated, and in the more favorable terms under which loans could be placed in the money markets. Aside from that, if the Deputy Minister of Local Government acting through the Labour Commission, could guide and advise municipalities with respect to public spending in times of depression, and could prevent unwise spending when ordinary business was buoyant, the demand for labour could be regularised to such an extent that unemployment would be appreciably diminished. The time to put this plan into operation, is opportune, and the cost small. The need is urgent, and the benefits that would be derived therefrom would immeasurably outweigh any expenditure of time, energy, or money that might be involved.

APPENDIX E.

I. MENTAL DEFECT AS A CAUSE OF UNEMPLOYMENT.

By Dr. Helen MacMurchy, Inspector of the Feeble-Minded, Ontario.

A certain number of persons, both men and women, are unemployed and unemployable because of mental defect. This statement has no reference to those who suffer from mental disease (insanity).

Mental defect, properly so called, exists at birth or appears at a very early age, that is, a mental defective has not and never has had normal mental capacity or powers.

Three recent instances of such unemployment may be given. The first is the experience of Recruiting Officers and Army Medical Officers and members of the medical and surgical staff of hospitals where a number of soldiers have been cared for recently. Some mental defectives were accepted as recruits in Toronto and Kingston and were discharged within a few days because they were found to be feeble-minded, and in other instances young men, physically fit, were rejected by the medical officers because of obvious mental defect. An assistant surgeon in one of the services in Toronto General Hospital has had in 1915 at least four soldiers admitted to his ward for surgical treatment who were recognized by him as mental defectives. As this information was offered spontaneously and was not the result of any enquiry it seems reasonable to conclude that these were not the only cases where men could not be accepted as soldiers on account of their mental defect.

The second is as follows: There are at present the names of at least three mental defectives on the lists of a large employment agency in Toronto. All of these are of a high grade and could earn their living easily by their work if they were continually under direction. One, a girl of attractive appearance, good social position and very fair up-bringing, has been placed for the last two years in many different positions. She can do the work but she has not enough sense to do it. She stops in the middle of it just like a child of five or six years, although she is twenty-three years old. She is only too likely to be the mother of an unknown number of unemployables.

Another mental defective who has been sent to a great many situations by the same employment agency is a boy of about twenty years. He can do the work for which he has been employed, but he lacks any sense of responsibility. He is daily becoming more careless as to personal cleanliness and respectability. He is very much attracted to the opposite sex. He has just been turned out of the home of his uncle, his only refuge, by his aunt who cannot put up with him any longer, during the absence of his uncle in one of our Canadian Overseas Contingents, and he is making a wretched living by washing dishes in a low-class restaurant where he gets a low wage and his food.

The third instance is as follows:

It will be remembered that the Women's Patriotic League opened an employment bureau at their headquarters on Sherbourne Street shortly after the beginning of the war. Among something like 116 applicants in one department of the Bureau there were eight whom the officers of the Employment Bureau had

no doubt were mental defectives and some three or four others who were probably also feeble-minded. It need hardly be added that employment could not be found for them, and they therefore remained permanently unemployed.

These three instances are all somewhat unusual. The following is a more typical history of unemployment on account of mental defect:

A. B. Age 27 years. High grade feeble-minded. Respectable and well brought up. The family noticed nothing wrong about him and he got along quite well in school according to them until he came to the place where he was expected to learn the multiplication table. This was an insurmountable obstacle. His mother tried to teach him the multiplication table every night all the winter, but at last A. said, "Mother, I think the arithmetic corner of my brain was never finished," and gave up the struggle. He left school some time after this, being over school age. He was unable to get any steady employment. When the "Canadian Navy" advertised for sailors, A.B. wanted to join and he did manage, by dint of great patience and careful teaching from his mother, to pass the simple examination required for an ordinary seaman. He joined his ship in the end of March, 1911, and got on pretty well until he received his first month's pay of $22.50 in his hand. This was too much for him and he immediately ran away. It was the month of May. He reached a little river not far from Halifax, took off his uniform, dressed himself in his own clothes which he had brought with him, pinned to his uniform a piece of paper on which he had written a statement that he was going to drown himself, and asking that this message be sent home to his mother, wandered round Nova Scotia for a few days, was captured by some of the ship's crew and brought back to the ship, was shortly afterwards discharged and then made his way to the West. After another period of unemployment he got a place as a kitchen porter in a Calgary restaurant where he worked for something over a year. He was finally found as a patient in the Calgary Hospital by some kind person who wrote to his mother. He then went home and during a little while in 1914 he was employed on one of the C. P. R. dining cars at $30.00 per month. His last situation was that of third cook in a summer hotel at $25.00 per month in 1914. Every effort to get him employment since that time has failed.

If feeble-minded persons were properly trained in youth and permanently cared for in a suitable institution, most of them could earn their living and thus relieve their families and the community of a rather heavy burden, and protect posterity from a still heavier burden.

The following is an outline of such a plan:

1. Medical Inspection of Schools.
2. Auxiliary Classes for backward children in the Public Schools.
3. A Register (confidential) of all Mental Defectives.
4. An Industrial Farm Training School and Colony on the Cottage plan for the permanent care of Mental Defectives who require such care.
5. The expense of the above to be provided for in co-operation by the Municipality, the Government and public spirited citizens as may be agreed.

The adoption of such a plan would unquestionably tend to lessen the amount of unemployment now existing in the Province of Ontario.

The number of mental defectives in Ontario is comparatively small, yet it is not less than 2 or 3 per 1,000, or a total of 5,000 to 7,500.

II. RELIEF AND PHILANTHROPY.

By the Rev. Peter Bryce, Superintendent of the Earlscourt Methodist Church, Toronto.

It has been given to the Earlscourt Church to administer much relief, due to abnormal conditions, and to the personnel of the district. The stranger is always the first to feel a period of depression; his credit is not good, and in the majority of cases in our district, his savings are locked up in land or in a small house. Moreover, with the comparatively small wage and the high cost of living, it is impossible to save money, and if he has a little extra in any season there are always so many things needed for the home and the children.

Our experience has led us to believe that no work requires more love, more tact and patience, more delicacy of touch, more experience of human life than that of relieving distress. This conviction has grown upon us as we have realized the issues involved, and come to know more fully the complexities of human nature. A man is required, strong and firm, yet always sympathetic and always a gentleman; the poor should never be treated with discourtesy. I have been indignant more than once with the attitude adopted towards the poor by some of the officers of our philanthropic agencies and by some of the visitors sent by these agencies to visit the poor in their homes. It is hard and sad enough, indeed, to be poor, without being wounded and humiliated by suspicion and unkind treatment. It is quite possible to discover impostors without such methods: training, system, and good judgment will enable one with comparative ease to discriminate.

One end one must ever keep in view in this special work is the maintenance of self-respect on the part of the recipient, the encouragement of independence and the quickening of initiative and ambition. There is cause for grave concern in any method of relief that endangers self-respect and independence of spirit; and it is sadly true that this is not an uncommon result. In the course of the years we have met a number of men and women utterly spoiled for good citizenship by an unwise system of relief; the majority of the cases have come from the heart of the city of Toronto; a few from England. We found they had become masters in the art of begging, many really worked at it; they were always so busy at it that they had no time or inclination for other work; they knew all the philanthropic agencies; they were always in correspondence with some kind people, and they frequently changed their church affiliation that they might draw upon the sympathies of several churches. The sad part of the matter was that the children knew it all and were learning to follow their parents in duplicity and falsehood. In many cases these people might have been saved if they had been helped wisely in their first need. To have dealings with such a family is one of the most difficult phases of social work, a task often made much more trying because of irresponsible private philanthropy.

Our experience has led us to certain conclusions. First, on general principles it is unwise for a private individual to directly help a poor family. I regret exceedingly being obliged to reach this conclusion, as it discourages that personal contact which ought to have such happy results. There are, of course, many delightful exceptions, as when the family is fully known by certain associations to the giver, or when the giver is asked by some responsible agency to personally help and full information respecting the family is given, or when the giver is

strong and wise and good. Again, we do not refer to the supplying of the sick with delicacies which may usually be done with happy results to all; we are speaking here of the larger work of helping a family with food, etc., in time of unemployment or distress. So often the donor in such cases, is, after a time grievously disappointed. In some manner, perhaps by newspaper reports, she has come to know of a case of need, and she begins to help without ascertaining from a local agency all the facts and she may find after many days that the family is not worthy or is being helped by others. In a public meeting I heard a minister state that, in his judgment, a poor family should be attached to a rich family and so would be created a keen personal interest, bringing deeper sympathy to the rich and good results on the part of the poor family. I venture to disagree with this proposed arrangement on the ground that it is not practicable and also that the results would be far from good, unless in exceptional circumstances. It is better, in the interests of all concerned, that the donor should act through a responsible local agency. The personal interest could be maintained without much difficulty. Poverty is now a national problem and can only be solved in a scientific manner. We believe there is sufficient generosity in the average city to relieve the distress but the difficulty is to secure the point of contact. What is required is not an occasional outburst of generosity, but systematic and scientific treatment. Physicians know that many diseases which are now successfully treated were once regarded as incurable and therefore hopeless: we fear many have come to regard poverty as a hopeless condition of affairs and to acquiesce in a state of things which we know now can be remedied.

We believe the local agency should co-operate with the other social workers in the community, and the community should co-operate in the most cordial manner with the city-wide organizations. This prevents what is known as overlapping—more than one agency assisting a family.

The Neighbourhood Workers' Association of Toronto has to a great extent solved the problem of overlapping and lack of system in the distribution of relief. The plan is worthy of outline. The city is divided into nine districts, with an association in each. Three associations constitute a division, with a divisional officer in the form of a paid secretary who has a central office where the records are kept of all families helped in the division. All the social workers of the division are expected to report to the secretary a list of the families helped by them. The local association is composed of the ministers and social workers of the sub-division and meetings are held periodically, where the social and humanitarian work of the district is discussed. At this meeting the secretary will report from her records the names of any families being helped by more than one agency, and it will be decided which agency will assist a particular family. In this manner in the past year, overlapping was almost entirely eliminated, and the social work of the city accomplished with economy, expedition, efficiency and harmony.

An intimate knowledge of all the facts of the case under consideration is desirable, imperative in fact, if one is to intelligently help the family seeking assistance, for there is no general rule meeting the exigencies of each case, and the nature of the help given must be governed by the circumstances surrounding the need. Our hands have been greatly strengthened in this respect by our extensive knowledge of each family, acquired through our long and intimate association with the district.

We believe now that every possible effort should be made to provide help through employment, either by securing work somewhere for the person, or by giving employment for a day or more each week. Our parsonages, churches and the Children's Home provide many facilities for work, of which we take full advantage. This serves a four-fold purpose; the man has the satisfaction of doing something for what he received, his mind is freed from gloomy thoughts, work is being done, and a knowledge of the men, their disposition and ability is acquired. We employed in this manner from four to eight men each day last winter, probably two hundred and fifty men passing through our hands. We have no complaints to make respecting the men. They were most obliging and most willing, though in a few cases somewhat slow in movement. Our practical knowledge of the men gained through their work with us has enabled us intelligently to recommend them. The undernoted illustrations may be of interest:

(*a*) A painter with five children. Great need. Employed to paint at parsonage. An excellent workman. A call came for painter to do a few days' work and we sent "a." The lady was satisfied and recommended him to another lady, the consequence being he was employed on small jobs all winter.

(*b*) A painter with four children. Employed at parsonage. Good work done. Call for painter to do small job. Lady perfectly satisfied with the man and interesting herself in his case, secured him permanent employment in another capacity.

(*c*) A labourer. In great need. Employed him in Children's Home. Good workman. 'Phone message came for man to act as teamster, had to be in city each morning by 2.45 o'clock which meant that he had to leave his house at 1.15 each morning. He gladly accepted position and is still there.

Fifty such instances might be given from the work of last winter and this was the most satisfactory part of our relief work. Others we kept employed one, two, or three days each week and of that number the majority gradually secured employment and others enlisted. In other cases through our Women's Employment Bureau, work was secured for women; in other instances the boys and girls were helped to employment. Where women could not go to work because of little children, they were employed making socks for soldiers, getting seventy-five cents a pair, or they were engaged in the making of little boys' pants. The little pants were made from material that could not otherwise be used—frock coats and ladies' coats which were out of date, thus producing from waste material. We estimate the value of our odd jobs in one month to be not less than eleven hundred dollars.

In other cases, where it seemed best, we loaned small amounts of money, to be repaid without interest in a certain time. Help had to be given and it seemed probable in these particular instances that the people would be in a position to repay, hence the help was given in this form. In many cases the money is returned; others fail to repay, some because they cannot, a few because they will not. I imagine most people find disappointment in the loaning of money. We have had losses in this respect, but we also have had cause for rejoicing in the many instances of the money returned, some from unexpected sources. I have in mind the case of a man with church connection, who could secure work if he had fifteen dollars. We loaned him the money and with his first pay he returned five dollars, with his second five dollars and with his third five dollars.

Others are helped with food, coal, milk and clothing, some from our own resources, others from the House of Industry and organizations of a kindred nature. There are always families where direct help must be given. We have consistently tried to save from hunger or suffering any mother or child, particularly have we ministered to the child, careful to supply milk where necessary. Many cases have been reported to us of parents unable to secure milk for their babies and we have had many instances of nursing mothers receiving insufficient food, the result being semi-starvation for the child.

In dealing with cases of distress, we ascertain:

First. What is the need—food, clothing, fuel, shoes, medicine or the doctor?

Second. We endeavour to supply the immediate need.

Third. We ascertain as fully as possible, through the machinery we have the causes of that need. It may be unemployment, it may be sickness, it may be insufficient wages, it may be debt is pressing upon them or it may be that the husband drinks or the wife is not thrifty.

Fourth. We endeavour, as far as possible, to remove the cause. We aim effectively to deal with each case. An enormous amount of labour is involved, but the results justify it.

We have felt it necessary to be a friend to the immigrants for the first two years, but after that time they are usually settled and in a position to entirely care for themselves, unless in exceptional circumstances. There must be very good reasons if a family is helped for two years in succession.

There are always some unworthy applicants and some who do not need assistance, but we have our own methods of knowing and dealing with such cases. A conversation, kind but firm, will usually accomplish a good deal. Everything possible is done to discover, among the applicants for relief, the men and women who are not really doing all that they can for themselves and steps are taken to bring this to their notice and to make it imperative for them to do so. The money placed at our disposal is considered as a sacred trust to be administered in the most careful, painstaking and thorough manner, yet erring rather on the side of kindness. As we have considered each year's operations in this work, in the light of all our knowledge, we have the inward satisfaction of knowing that probably not more than one per cent. of the money has been misplaced.

I was chairman of the Globe Relief Fund for this district in the winter of 1907-08 and at that time we had one hundred and seventy-four families on our list. Last winter only three of these families needed assistance and in each case there were special circumstances. This illustrates the hopefulness of this class of work in our district.

In the great English cities social workers often labour on without hope, but in Canada there is abundant cause for optimism, for the people, in the great majority of cases need only temporary assistance.

III. IMMIGRATION.

1. By the Rev. Peter Bryce, Superintendent of the Earlscourt Methodist Church, Toronto.

In the year 1914, immigrants to the number of 384,878 entered Canada; 142,622 from the United Kingdom and 107,530 from the United States. Fully 50 per cent. of the British immigrants were booked for Ontario and of that number one-half had Toronto as their destination.

Perhaps we have observed in the street car a man with his wife and children, quite evidently fresh arrivals from the British Isles. They were heavily clad; they carried uncouth bundles; the mother looked worried and tired, and the children were fretful. Did we appreciate as we looked all that was involved in the sight; what had preceded their coming, and what might be their history here?

"James Smith" in England worked for small wages, the family was growing in number and the struggle seemed hopeless. Then came to his ears the story of Canada and his interest was aroused. Many enquiries were made, much literature devoured—all leading to the dawning of a new hope. After the children are in bed at night, "James" and his wife read the pamphlets and discuss Canada and ask each other if they should make the great adventure. At last, chiefly for the sake of the children, the decision is made and steps are taken to follow the gleam to the land of promise across the seas. So one day they take their place with many others on the great steamer leaving Liverpool for Canada. Relatives and friends and old associations are left behind, not without much misgiving and not without much heaviness of heart. The distress of mind and the discomfort of the steerage bring the inevitable seasickness and the first few days at sea are as a nightmare, particularly to the mother, but the shores of Canada are seen at last, and by and by, with very little money and not a "kent" face around them, they start life in the new land.

The thousands and thousands of brave hearts that cross the Atlantic each year to dwell with us, old things passing away, and all things becoming new! Some are hoping that new associations will save a husband from drink, others from gambling, others are hoping for new strength of body. Many are anticipating with eager longing new opportunities for success. There are, of course, always a few restless spirits seeking new avenues of excitement.

The immigrant presents to the Church in Canada an unbounded opportunity, not only to conserve the spiritual life of those who come as church members but also to reach the great number who come to our shores with little or no church connection. To do the work thoroughly would necessitate a complete organization and considerable expenditure of money, but the great returns would amply justify the outlay. I have been greatly exercised for several years with the evident lack of appreciation of the issues involved both on the part of the State and the Church. There are not lacking signs on the part of our Dominion and Provincial Governments that adequate steps are about to be taken to remedy defects in the system of immigration and to adequately cope with the whole question. Regarding the Methodist Church, my own conclusion, reached without discussion with others, is that there should be an Immigration Division in connection with our Social Service Department. I believe this Department would deal most effectively with the matter. It is hoped that any short-sighted policy may be abandoned in dealing with a question of so great importance. The present moment should be seized upon as an opportunity for making a thorough examination of the whole subject, so that we may be prepared for the time when the Dominion will again undergo a very large increase through immigration.

It is conceded by all who have knowledge of the question that the present system of immigration agency in the United Kingdom is pernicious, and should at once be investigated and reformed. Under the system now in vogue, the agents are only interested in their commission and the greater the number of immigrants the greater the commission. The number of misfits coming to our

shores may be traced to this fact, and also to a lack of policy on the part of the Government. A system of labour bureaux under the direction of the Imperial and Colonial Governments with ramifications in the counties and cities of the United Kingdom and in the provinces and cities of the Colonies, would help very greatly to solve the question of unemployment and also eliminate abuses in immigration. If the imagination is permitted to dwell upon this conception, the possibility and utility in it will more and more commend it to the judgment. To do as suggested would be a great task, but unemployment and immigration within the British Empire are tremendous questions worthy of large measures.

Any system of bureaux established in Ontario should be in close relation to the immigration offices of the United Kingdom, and as far as possible, a policy pursued that would bring to the country only that class of workmen required. This would overcome, to some extent at least, the flooding of the market with workmen not in demand. Moreover, in connection with the bureaux, there should be established at strategic points a few men, chosen because of special fitness, whose business it would be to meet the immigrants in their offices. It would be part of their business, kindly and with tact and judgment to ascertain their qualifications and ambitions and advise them as to the customs of the country, the best means of securing success, and the best place to settle for their particular branch of trade. A friendly relationship would be established between the person in question and the immigrant, to continue, at least, until the man was satisfactorily settled. The immigrant needs a friend, and one well informed. An opportunity is afforded us now in Canada of perfecting a system of labour bureaux more complete in organization and more comprehensive in usefulness than now found in any country.

The Church must co-operate with this great system of labour bureaux and undoubtedly the opportunity to do so will be afforded the Church. A decided impetus would be given to the effective handling of the situation if the leaders of the various denominations could be brought together and a definite policy for the whole church be inaugurated. A broad and generous spirit in relation to such matters is distinctive of our best Canadian thought, and the apprehension of this disposition in relation to our Church immigration policy would greatly increase its effectiveness.

In relation to the Canadian Methodist Church and her future immigration policy, I understand the General Superintendent has given the matter earnest consideration and a comprehensive plan will be enunciated. It will doubtless take cognizance of the need for very complete co-operation with the Methodist Church of Great Britain. The question is of sufficient importance to warrant a conference between a representative man from each Methodist body in the United Kingdom and our General Superintendent. It would be comparatively easy, for instance, to arrange that every steamer leaving England with any considerable number of immigrants should have a Methodist minister on board and this could be done at small cost in money. A fine opportunity would be afforded the minister during the journey across the Atlantic to interview the immigrants, and to ascertain their aspirations and destination. He would, of course, co-ordinate his work with that of men stationed at strategic points in the Dominion, and they in turn would act in conjunction with the cities and local churches. No greater or more fruitful work will lie to the hand of the churches when the flood of immigration once again breaks upon our shores.

Respecting the relation of the local church to the immigrant, it is apparent that some churches have more opportunity and responsibility than others. The great majority of the churches will find something to do in this regard, however.

The church at Earlscourt began almost entirely with newcomers from the British Isles, consequently our church programme was arranged to meet their peculiar needs. The usual functions of a church were, of course, observed, but in addition many organizations were created, such as the Men's Own and Women's Meeting. Then we had special nights and special gatherings for the Scotch, the Irish, the Welsh, and the people of Newfoundland. The English people were brought together in counties. In this fashion friendships were formed, the feeling of loneliness dispelled, and the minister brought into contact with the diverse elements of his constituency and helped in his understanding of their aspirations, needs, and viewpoint. The office hour at the church became a feature of the work, and in large and ever increasing numbers the people of the community came to see me in the evening for advice in relation to very many matters. There were not less than six hundred visitors at the office each month last winter. The ministry of the office, from seven to ten in the evening, has been most effective and fruitful. I have come in contact with not less than 5,000 English-speaking families in my ministry at Earlscourt, and appreciate thoroughly all the trials that beset them in the first year of their residence here, and I know fully all that can be said in criticism in respect to them. The very great majority are most adaptable and ambitious, and given a warm welcome, good advice, a helping hand if necessary in the first year or two, they will practically all make good citizens. The first year is the critical time and determines very largely the place to be taken in society by the immigrant. Both Church and State should do all possible for the immigrant during the first year of his residence in the country. Discouragement and failure might often have been averted if the kind voice had been heard and the helping hand held out at the right moment.

The district of Earlscourt is an illustration of the adaptability and industry of the Englishmen. Here you will find hundreds of houses owned by the men, or in the process of ownership. Land was purchased, probably 25 feet frontage, at prices ranging from $7.00 to $30.00 per foot, payments being arranged on easy terms, as $10.00 down and $5.00 monthly with interest at 6 per cent. on the principal. Lumber was purchased on somewhat the same terms, and the man built his own house with perhaps a little assistance from friends. Very often he built after the work of the day. It has been, for many, a very long and laborious task, and I have often feared for the health of the men. To-day, in our great parish, I could point out a thousand houses built in this fashion, and in a great many instances, built by men who previously had no knowledge of carpentry or architecture.

A few slight sketches, typical of hundreds of records held by us, may be of interest:

(*a*) Englishman. A little man, uneducated, had to go to work at eight years of age, five children. Worked as a labourer, then as concretor. Bought land on Boon Avenue when it was cheap, built a little place of three rooms, and each year improved it. Taken ill and off work for three months, during which time his wife went to work. Sold property at the end of four years for $900 and moved to small market garden. May now be found at the market with horse and wagon selling produce. Doing well. Arrived in the country with only a few dollars.

(*b*) Englishman. Tall man, of fine physique. Had served in the army. Wife and three children. Had ten dollars when they arrived. Started in C. P. R. the morning after arrival. We helped them to get a little shack for five dollars a month, and we loaned them an old range. The wife went to work a few days each week to help in the payment of furniture, etc. Moved into a better house at the end of six months, then purchased land to the north, and some months later began to build. Now they have property worth $700 and only four years in the country. The children have done well. The oldest girl is at work in one of our stores and is giving satisfaction.

(*c*) Irish family. Father and mother and four children with one more since coming here. Had to pay $8.00 per month to the Home Reunion Association, and return some money to friends in Ireland. For months did not earn more than $10.00 weekly, and out of employment last winter. Now four years in the country, all debts paid, five "bonnie" children, one a bright lad doing well at school. Cannot do much more than pay their way, but when good times come again they will forge ahead, and ultimately have a home of their very own.

(*d*) Scotch family. Man and wife and five children. Arrived in Canada with practically no resources. They rented a little house, and we helped them with a second-hand range and fitted out the children with clothing and shoes during the first winter. The man for two years did not earn more than $10.00 a week, but he had fair health and lost no time through unemployment or sickness. The wife went out to work two or three days each week. At the end of five years they have equity in a house where they now reside to the value of $650. I have watched with intense interest the progress and development of this family. It has been a noble struggle. Both father and mother are exemplary Christians.

(*e*) Newfoundland family. Man and wife and two children. Came to this country with no trade and few resources, but with the native Newfoundland ability. Worked as a plasterer's helper for a few months, then became a plasterer on his own account. At the end of two years he was taking contracts for plastering and at the end of three years built a house and sold it. At the end of four years he had several men in his employ and had built three houses.

The acquisition of property in such circumstances is a tremendous task. Some have suffered impaired health as a consequence of the severe strain and others show the effects of the struggle in the signs of premature old age. I bear glad testimony to the industry and self-denial and ambition of the people of the district.

Quite a number have exchanged their property for small farms, but this has been, in many instances, a sad experience. They usually purchased poor farms, they had no capital, and in most cases little ability for farming. Even with experience, it is extremely difficult to be successful in farming without adequate equipment. I know many men who might have succeeded if given supervision and pecuniary assistance for a few years, such as the Government might easily arrange. The cry "back to the land" is foolish, unless there be a definite and comprehensive policy in respect thereto on the part of the Government. I would welcome, so gladly, a movement in this direction, as there are so many in districts like Earlscourt who have come to Canada in the hope of having a small farm, but find it impossible under present circumstances. As it is, the attempt, in most cases, means the depletion of their store, and the return to the city, in discouragement, to begin all over again.

The immigrant from the United Kingdom is a great asset to our country, and Canada helps to make men of many who come. There is an atmosphere here that quickens and inspires, it is the atmosphere of hope and possibility. Many a man of stagnant disposition and irregular habits in England, becomes ambitious and sober here. It has been an honour to know many of them, such splendid men and women, and to share with them the struggles and achievements of the years. How noble and self-sacrificing they have been and how ready to help one another! Again and again they have given their money and their resources to help one of their number in difficulties. This has been evidenced many times on occasions when fire has destroyed a house and in many instances of emergency. We have, of course, encountered some degenerates, and had sore disappointments with others, but the proportion has been very small.

Even if, as is not infrequently the case, the parents do not change, the children are full of promise. It would be difficult to find a finer body of children in Canada than may be seen in Earlscourt. They are bright and healthy and vigorous, and in the days that are to be, I am expecting to meet them among those who, in every walk of life, are consolidating, and fostering, and developing all that is great and good in the life of our nation.

IMMIGRATION.

2. By Mr. A. J. Glazebrook.

Considering the matter from the point of view only of British immigration into Canada, it is clear that there will be a large number of men now in Kitchener's army who will want to emigrate, and of them a very considerable proportion will want to farm. They can be divided probably into three classes. First, those who have a capital of from £2,000 to £3,000: second, those with from £500 to something over £1,000; and third, those who have little or nothing. As a preliminary the Canadian Government should abolish all the advertising matter that they had been using in Great Britain before the war. A voluntary committee, who may be called the Dominion Committee of Immigration, should be established to work out, firstly, what is wanted, and secondly, the machinery for bringing it about. In a general way I should suggest that the machinery should be something of this kind. First, a Dominion Committee in touch with the Dominion Government, and with a committee in England who should be of the most skilful description; second, a committee in each Canadian province in touch with the Provincial Governments and with the Dominion Committee. The preliminary report of the Dominion Committee should cover such points as these:—

1. What is the minimum capital necessary for starting farming of, say, three or four different kinds? (*a*) Cattle farming in the West. (*b*) Mixed farming in the West of probably from 300 to 600 acres. (*c*) 100-acre farming in the East for mixed farming. (*d*) Smallish farm of say 50 acres for more or less intensive farming, also in the East. (*e*) Fruit farming or market gardening.

2. The prices at which lands of these various descriptions can be purchased in the different provinces, dividing the lands into classes something like this: (*a*) Remote Western lands. (*b*) Western lands near a good-sized town. (*c*) Eastern lands near a village. (*d*) Eastern lands near a good-sized town. (*e*) Lands close to a large city, suitable for truck farming or the like.

3. They should discover what free lands are available in each province, and under what conditions.

4. They should make preliminary inquiries (*a*) as to what the Dominion Government would be willing to do in the way of pecuniary assistance to prospective farmers with little or no capital, and (*b*) what the Provincial Governments are willing to do in the same direction.

With this information in hand it might be possible to bring about a position something like this:—The London Committee should be in a position to tell at once any man desiring to emigrate to Canada what he could do with a given capital in any part of Canada. If, for example, he decided that he wanted to buy a fifty-acre general purpose farm in Ontario, he would then in all probability proceed to Toronto alone. The Committee there would advise with him as to the best localities, and as to whether it would be wise for him first, shall we say, to take a short course at Guelph College. They would assist in buying the farm and see that he was not overcharged, would enable him to purchase the necessary implements and stock, advise him as to the minimum necessary to begin with, and would be always ready to supply him, through we shall say the Guelph College, with practical advice on any particular work in which he wanted to experiment. Their relation to him would remain voluntary until he had ceased to require their assistance.

The amount of exploitation that has gone on in Canada in regard to the sale of lands to settlers has been very great, and in the aggregate enormous sums of money have been lost to agricultural industry, and numbers of young men have been turned from useful citizens into disappointed and impoverished people with a grievance.

The question of dealing with settlers who wish to farm and who have little or no capital is, of course, a separate one, but I am very much inclined to think that it might be well worth, at all events, careful investigation, to discover if some means could not be found for actually manufacturing a farming class.

In connection with all this it seems to me it would be possible to inaugurate a regular propaganda for the encouragement of the live stock side of farming. That at least is one branch in which there is practically no danger of lower prices. It seems hardly necessary to elaborate on this because so much has already been said about the exhaustion and occupation of the large ranges that formerly made cattle raising easy and profitable on a big scale at comparatively low prices.

IV. UNEMPLOYMENT AND THRIFT.

By Professor M. A. MacKenzie, Managing Director of the Toronto Penny Bank.

A great deal of the distress caused by temporary unemployment is due to the unthrifty habits of our people. When the workman is in receipt of good wages he generally spends the whole of his income from week to week. Now most of our workmen have for some years been receiving in wages more money than was necessary for current expenditure. The surplus has very often been spent foolishly, almost always unproductively. Had even a tenth part of this surplus been saved and banked it would have enormously increased the fluid capital of our country available for industry and ultimately enabled the people to have passed without distress through a period of unemployment. The steadying effect of large savings deposits by the people as a whole is much greater than is generally

recognized. The practice of thrift by a people is probably the greatest preventive of such alternating periods of extravagance and depression as we are unfortunately accustomed to.

In sympathy with the appeals made by the British Government to all the people, urging the practice of thrift as an important patriotic duty, it would be wise to inaugurate a national campaign in this direction. Economy is, however, a habit, and is to be acquired by practising it, rather than by listening to demonstrations of its importance, and it is the habits that are acquired in childhood that become second nature. To teach a child how to economize slender resources, how to resist temptation to needless expense, and how to make reasonable provision for the future, is an important part of its education. Such knowledge cannot be acquired too early in life, and much may be done in a school to render its acquisition easy to children and to show them the advantages of economy and foresight. The child who is helped to deny himself some trifling personal gratification, who is encouraged to save by degrees a few dollars, and who finds this sum available for his own needs, or perhaps for helping his parents at a time of family misfortune, has received a practical lesson in the advantages of economy and foresight which may make a lasting impression on him. The value of such a lesson will not be confined to its influence on the scholar's own character and welfare: it will exercise a reflex influence on the members of the household to which he belongs, providing them with a practical lesson of lasting value. It will tend to encourage the parents to start savings bank accounts themselves, or to assist their children's.

We have one Dominion organization under the Penny Bank Act now operating in many Canadian schools. All the deposits go to the Post Office Savings Bank, so that every child who puts a dollar in the Penny Bank lends that dollar to the country. At present the school children in Canada are in this way lending her over a quarter of a million. With a little effort that sum could be greatly increased. The children may be easily encouraged each to do his or her little bit, and they will have the pride and pleasure of knowing that they are helping their country. Meantime the valuable habit of thrift will be developed in future citizens.

V. UNEMPLOYMENT AND THE LIQUOR PROBLEM.

1. By Mr. E. H. Williams, Labour Department, Ottawa.

The actual consumption of intoxicating drinks, for the fiscal year ended 1914, amounted to no less a quantity than 67,544,595 gallons; capital invested in its manufacture in 1911, amounted to $43,237,757: number of persons employed, 4,668: wages paid, $2,649,234; value of drinks consumed 1914, $103,049,128; and cost per head of total population, $12.76. This drink bill for 1914 appears as fabulous as some of the stories of the Arabian Nights. This large amount of money produced by the sweat and toil of our toilers, is spent annually, in the main, by our hard working artisans, mechanics and labourers, who the least of all can afford it. All of the millions of money, that should be expended for food and clothing, for the half-starved and ill-clad thousands of our citizens, is devoured by the demands of strong drink. Because of this misapplication of millions of capital, our jails are filled with criminals, and our asylums, homes and charitable institutions with dependants, and our industrious and sober citizens burdened with excessive taxation, all of which would be unnecessary, but for the misapplica-

tion of the country's resources. The enormous sum spent annually for intoxicating drinks is not only lost, but in addition, entails upon the people, vice, wretchedness, crime and unemployment, and industrial and social demoralization. The capital spent for alcoholic drinks adds nothing to human happiness or the people's possessions, as do wholesome food, clothing, furniture, etc., and property, while the loss to the country is incalculable, and no reflecting person can seriously contemplate the immense cost of the liquor traffic compared with industrial values, without forebodings of industrial disaster.

If our cotton and woollen factories and other industries are not now as busy as formerly, it is because they cannot sell their goods. It is also certain that if they cannot dispose of their goods, it is because the people spend their money for other articles, or are poorer, and have not got the money to spend. Our people cannot be poorer, for year after year the wealth of the country increases faster proportionately than does the population. Now it is self-evident that he who spends his wages for intoxicating drinks, unless he is richer than a majority of his fellow-citizens, must deprive himself of many luxuries and even necessaries. It seems that all that is needed to secure the most abundant commercial and industrial prosperity, and assure full employment to all classes of productive labour, is to transfer the hundred and three million dollars ($103,049,128) spent annually in the manufacture and use of intoxicating drinks, to the purchase of the necessaries of life. This would increase enormously the demand for the products of legitimate industry, and provide ample work for the employable unemployed.

The labour devoted to breweries, distilleries and the selling of intoxicating liquors is generally classed as unproductive labour; it is certainly non-reproductive compared with other labour, for while the liquors do not benefit the consumer, yet the necessary and useful products of labour are consumed and destroyed in the process of the manufacture of intoxicants. Intoxicating drinks are not only unnecessary, but the money spent for them is so much capital taken from those branches of industry that add so much to the growth and prosperity of a nation. The money spent for these drinks, would, if properly applied to legitimate industry, afford increased employment of labour in every department of life. If it were not for the drinking custom of our country, there would be no lack of employment at remunerative wages.

The hours of labour in all civilized countries are still, taking all things into consideration, excessive and unjustifiable. If an eight-hour work day were generally introduced throughout Canada, and only applied to those who work for wages, its first and immediate effect would be to reduce the working time of approximately one million labourers. Simultaneously with this immediate effect, the same number of labourers would leave their work each day less exhausted, and the purely economic effect of this would be little short of a revelation. Desires would become wants and necessities; this would produce a corresponding increase in the general demand, create new industries and absorb the unemployed. The majority of writers who have dealt with this question are agreed that the adoption of the eight-hour work day, would lead to an increased consumption and demand, and therefore to an increased production and supply; that the conditions thus created would completely dispose of the unemployment problem, raise wages and increase total production, without raising prices, would be an advantage to wage earners, capitalists and consumers alike; and that it would be a benefit to all and injure none.

In conclusion, in my opinion, the unemployment of employable labour, in the main, is attributable to the following causes:

1. The national waste in spending annually approximately $100,000,000 in a non-producing industry, namely, the manufacture and sale of intoxicating liquors;

2. The unwarrantable and excessive hours of employment;

3. Under-consumption, caused by the misapplication of an enormous portion of the national wealth and excessive hours of employment;

4. The unfair distribution of the wealth produced mainly by labour, preventing the early retirement, at a reasonable age, of the toiler from all employment, thus providing work for the employable.

2. By Mr. A. G. Learoyd, President the Ottawa City Temperance Alliance, Ottawa.

To my mind the traffic in intoxicants is the direct cause of much of the unemployment because it begets inefficiency; the really efficient worker is seldom without employment but the drinker who has impaired his physical and mental powers and has thus become inefficient is the first to be dismissed when the economic necessity arises for reducing the number of workers.

As an illustration of this principle I might refer to the rules and regulations so strictly enforced of late years where great railway corporations and other large employers of labour refuse to employ men who are addicted to the drink habit; they have found by practical experience that engineers, trainmen, section and signal men and others who are drinkers, endanger the lives and property entrusted to the care of these great corporations, and in line with this policy the railway companies have entirely banished strong drink from all their restaurants and refreshment rooms.

In all highly technical and skilled labour the drinker is discounted, he lacks the keen intelligence and steady nerves of the man whose powers have not been jaded and impaired by over-stimulation and its subsequent but inevitable re-action.

In the ordinary business affairs of commercial life, it is not uncommon for merchants and others when advertising for help of various kinds to put in the proviso 'must be a total abstainer' or 'no drinker need apply.'

One of the resultant evils of over-indulgence in strong drink is the weakening of the moral fibre of character so that men addicted to it lose their will-power, become enslaved and degenerate and may no longer be depended upon for the common honesty and integrity so necessary to all employees in any position of trust."

3. By Mr. D. J. Wagner, Assistant Secretary, the Ottawa City Temperance Alliance, Ottawa.

The interference of the drinking habit with the country's wealth production is very great. Much time is lost by drinking employees, and work is frequently delayed, sometimes seriously, by the absence or incapacity of men who are drinking.

The loss to the country is, of course, not represented by the mere loss of time by men who are regularly employed. The country loses through drink because of the prevention of the production of wealth, on account of the persons in jails, in hospitals, in asylums, out of employment or in any way idle, when intemperance has caused the idleness.

A gang of men in a factory, or any set of persons whose work is, to a certain extent, dependent upon each other, is much obstructed by the absence of some or even of one. This is more and more the case as industrial development progresses, as machinery is being more generally used, and work more and more subdivided. In a highly organized manufacturing industry, interference with one part of the work affects the operation of the whole, so not only those who drink lose time and possible earnings, but their fellow-employees who do not drink are losers, also, and the industry which employs them suffers inconvenience and loss. There is also an important depreciation of wage-earning capacity on the part of men who habitually drink. They are less qualified for the performance of good work, and what they do is inferior, both in quality and quantity, to the work of men of sober habits. The drunkard is the first to go and the last to be taken on. The loss to the country through the idleness of men who are kept from work through their own drinking or the drinking of others, amounts to many millions. Then see how many workmen have their lives cut short, every year, because of intemperance.

The loss of productive labour in every department of occupation, is to the extent of, at least, one day in six. It has been estimated that one-tenth of the producing power of this country is destroyed by intemperance. Besides that, the carelessness that leads to fatal accidents is often the result of the dulling by drink of the keenness of men's mental faculties.

There is only one way of producing wealth, and that is by work. All that work produces from the country's natural resources is an addition to the country's wealth. We might, therefore, find what the working power of this country really produces from year to year by subtracting the value of its natural products from the increase made in value of material used in manufacturing industries. Were it not for the great waste of money in intoxicants, supplies would be more greatly purchased, or used, so that more and more production would be required.

Too many of our people in relieving the distress of the unemployed resort to handing out charity in either money or goods. This will never remove the cause and has a vicious effect on the recipient as it takes away the manhood and reduces the receiver to a pauper, whereas one month's employment might relieve the poor man and allow him to retain his dignity. Eight hours digging or shovelling snow for $2.00 would be superior to giving the labourer $2.00 gratis about 9 p.m. Last year, we had lumpy, uneven and even dangerous sidewalks, all winter and in the spring the drains in many places where I had to walk were in the centre of the sidewalks for weeks. Yet many thousands of dollars were dispensed in charity by our city. I often saw poor half-starved and half-clad mothers carrying home large loads, whilst their lazy husbands were idly smoking cigarettes, too proud to do such menial labour.

APPENDIX F.

IMMIGRATION AND EMPLOYMENT.

By Mr. Vincent Basevi.

Mr. Vincent Basevi, late chief of Staff of the Bureau of Municipal Research, Toronto, has written the following letter to the Commission:

"I have heard in England a number of lecturers employed by the Dominion or Provincial Governments to stimulate emigration to Canada. Without exception they have stated clearly that farmers with some capital, farm labourers and domestic servants were the classes to which their appeals were directed. But the effect of official statements made from public platforms by responsible lecturers extends far beyond the limits of the audiences addressed. The call to Canada comes to shipwrights, weavers, mechanics of all classes, shop assistants, clerks and unskilled workers. The business of the ticket agent does not impel him to discount the work of the official lecturer. If an official appeal to farm labourers is interpreted by a weedy clerk as a personal call, the ticket agent is not obliged to correct a false impression. The result has been a vast immigrant population for which no suitable employment exists, and the consequences have been disastrous for the immigrants and unfortunate for the country. Bankrupt shopkeepers, shop assistants, and clerks have come to Canada as farm labourers. A few months of unaccustomed toil has proved too much for their physical strength or too great a strain for their mental stamina. They have drifted to the cities, tried to resume a thin wraith of gentility, failed, struggled again, sought odd jobs and finally sunk to dependence on charity.

"Many of the cases of distress dealt with by the downtown Neighbourhood Workers Association are those of people of foreign extraction. It is surprising how many of these destitute foreigners, though they may have been several years in Canada, cannot speak or understand English. What can one know of these people, or what can they know of us? With what aspirations did they come to Canada? What are their natural abilities? Their modes of life indicate clearly that we have much to teach them. Is there anything they can teach us? Have we in Toronto women who can make lace that would rival the product of Brussels? There is plenty of gold in Ontario, and the thought arises that in Toronto, perhaps driving teams or digging sewers, are men who could work this gold in a manner to rival the costly ornaments of Tiffany or Mappin and Webb. I know of an authentic case of five men being present at a lantern lecture in Toronto and being surprised, and delighted, to learn that there are farm lands in Canada. The blame for such immigrants being misfits cannot be laid entirely at the doors of the immigrants themselves.

"Two more classes remain to be mentioned: skilled mechanics from Great Britain whose training has been circumscribed by the defensive regulations of trade unions and persons sent out by misguided philanthropists. I place these two extremes together because they appear to be the greatest sufferers. A highly skilled workman, master of his trade, who saves enough money to bring his family to Canada, receives a very severe blow if he finds no opening here for his abilities, and is compelled to enter the ranks of unskilled labour. If periods of unemployment are added to this misfortune, one can hardly wonder that he becomes at first

a victim of chronic discontent, and later a man without desire to struggle. The victim of misguided philanthropy is doomed to failure from the start. Unable to face the troubles of life in a well-developed country, he can have little chance of success in Canada where the most severe call is made on human effort, and where the climate aggravates the normal hardships of poverty.

"I feel convinced that labour exchanges and some minor restrictions on contractors for constructive work will solve the unemployment problem for the present population of Canada, and for an industrial population augmented by natural growth. I am equally convinced that industrial indigestion must result from a policy of admitting all who will come to Canada regardless of the troubles unsuitable immigrants are bringing on themselves and the burden they are placing on the country. Poor relief measures, workhouses, jails, and asylums may become an intolerable burden. An intelligent analysis of the records kept by the Social Service Commission should demonstrate clearly the types of immigrants dependent on relief. Preventive measures based on the information thus secured can be applied only at the sources of the trouble—the countries from which these immigrants come. If my experiences are typical, and the unemployment problem is felt almost exclusively by the immigrant classes, I venture to suggest that the immigrants' viewpoint is worthy the attention of your Commission."

APPENDIX G.

UNEMPLOYMENT.

By Mr. S. Dillon Mills, Toronto.

The unequal distribution of wealth is the prime cause of unemployment. The millionaire is an unnatural growth showing a diseased condition of the body politic, just as the fungus on an oak marks an infected area in the unfortunate tree whose vitality it is gradually destroying. If it were not for the amount of "sap" diverted from its proper line of distribution by means of over-capitalization, watered stock and unprofitable ill-judged speculation, production would be so cheapened that the nation could consume more and thus increase the demand for labour in production. It is this apparently trifling leak that disorganizes trade. What is needed is a thorough investigation by the Labour Party or the Unions, into the actual capital employed, the real cost of plant, its actual value, and the amount of stock drawing dividends from our various industrial enterprises. It would make an appalling showing in some cases, of the needless load carried by the unfortunate consumer, thus restricting consumption and employment. When we further take into consideration the fact that in addition to first cost, the commission man, wholesaler, retailer, each claims an increased profit on every additional cent the goods cost him, the result is startling. There are far too many middle-men. One-half the able-bodied retailers ought to be behind the plough, then the others would not require to charge so much in order to make a living and there would not be so many failures. Over-capitalization or watering stock should be made a criminal offence. The actual profits of all concerns should be published at stated intervals, and by the force of public opinion, all persons in control of business concerns should be made to recognize the fact that over-charging or taking advantage in any way of the ignorance of the public, is only another way of picking pockets. When we have these things straightened out, we shall have done much towards diminishing unemployment.

Another matter worth considering, is the influence of the Trades Unions in causing unemployment by forcing certain restrictions on the members, as in the case of six carpenters who refused to accept work out of town at 40c. per hour for a ten-hour day on account of the Union rate being 42c. per hour for an eight-hour day. They would have made $4.00 in the first case against $3.36 as per Union regulations, yet they could not accept the job. It is all right for the Unions to keep up the standard of wages so far as is prudent, but when their influence prevents work being done in hard times, a little slackening of demands would appear advisable, otherwise, they should provide for those so kept unemployed.

A very prominent cause of unemployment is, that we are always planning labour-saving devices, and the use of these is inseparable from the progress of civilization. It is true that they do not in the long run reduce the total number of men employed; they enable us to undertake work previously economically impossible. For instance, in the case of the concrete mixer and the introduction

of reinforced concrete, they produce a dislocation of existing conditions which may take some little time for its reduction. This is not an unhealthy sign, it simply means a failure in foresight and therefore in rapidity of readjustment. Every new invention should be carefully studied as to its influence on the labour market and preparation made for the new condition, with in some cases, transference of the discarded labour to other fields of employment.

Unemployment is a natural result of, and therefore, to a certain extent, inseparable from the freedom of democratic civilization. Under autocratic government, men can be registered at their domiciles, shifted from place to place where their services are needed at their respective trades, or obliged to take such other work as may offer, and the disposition to crowd to commercial or manufacturing centres can be controlled within reasonable limits. Democratic freedom on the other hand must always carry with it the liberty to suffer. Is it possible so to educate the wage-earner as to accustom him to a system of registration and guidance which while encroaching a little on his liberty, will also, to some extent, aid in the prevention of suffering? In some such arrangement alone can a partial remedy be found. A commencement of such a system already exists in our Trades Unions. It is capable of extension. If the Government were to establish a Labour Bureau which would keep in close touch with the Unions, and with employers generally, and which would be authorized to furnish free transportation to places of employment (no return ticket) on agreement with employers (the Bureau to be in telegraphic touch with them); which would also have power to arrest and punish any failing to report to the designated employer, or otherwise abusing the privilege of free transportation, much could be accomplished. Another matter should be attended to. Some *modus vivendi* should be arranged with the Unions by which men could belong to two or more trades. The present arbitrary rule will not allow a carpenter to use a blacksmith's hammer, etc. Every working man should be trained to at least two trades and allowed in case of emergency, to practise either.

Systematization of production is a matter often advocated, but the trouble here appears to be the delay inevitable in the receipt of information regarding stocks of goods actually held for sale at various places, at any given time, and the probable sale and consumption of the same, while the best information is useless against sudden changes in demand caused by public fickleness or change of fashion. We must further remember that every nation in the world is liable to suffer from the misfortunes or wrong-doing of its neighbours, wherefore, it is impossible, to control absolutely the conditions of labour within our own national boundary: but we are bound as a matter of prudence, as well as a universal duty, to do our best in this direction, and to keep up our purchasing power so as to enable our neighbours to pay their bills to us. A self-contained nation is a dream of narrow-minded folly.

APPENDIX H

Returns of the Number of
Manufacturing Operatives Employed during
Three Years in 651 Factories
in Ontario.

RETURNS OF MANUFACTURERS.

Groups of Industries..... Number of Firms reporting	Food Products 55			Textiles 58		
——	Men.	Women.	Total,	Men.	Women.	Total.
1912						
January	3,253	1,150	4,403	4,110	6,118	10,228
February	3,313	1,235	4,548	4,034	6,279	10,313
March	3,335	1,243	4,578	3,852	6,104	9,956
April	3,443	1,260	4,703	3,998	6,139	10,137
May	3,343	1,208	4,551	3,998	6,233	10,231
June	3,525	1,268	4,793	4,116	6,401	10,517
July	3,640	1,401	5,041	4,068	6,391	10,459
August	3,646	1,401	5,047	4,102	6,485	10,587
September	3,618	1,470	5,088	4,210	6,520	10,730
October	3,696	1,510	5,206	4,340	6,978	11,318
November	3,752	1,433	5,185	4,423	6,975	11,398
December	3,590	1,185	4,775	4,403	6,442	10,845
1913						
January	3,494	1,283	4,777	4,347	6,562	10,909
February	3,519	1,306	4,825	4,431	6,798	11,229
March	3,465	1,289	4,754	4,429	6,739	11,168
April	3,502	1,291	4,793	4,292	6,768	11,060
May	3,564	1,349	4,913	4,485	6,902	11,387
June	3,714	1,432	5,146	4,479	7,032	11,511
July	3,720	1,599	5,319	4,405	6,883	11,288
August	3,614	1,588	5,202	4,235	6,730	10,965
September	3,815	1,633	5,448	4,220	6,827	11,047
October	3,821	1,588	5,409	4,080	6,691	10,771
November	3,778	1,424	5,202	3,973	6,501	10,474
December	3,686	1,158	4,844	4,197	5,954	10,151
1914						
January	3,433	1,369	4,802	3,761	6,048	9,809
February	3,658	1,454	5,112	3,799	6,216	10,015
March	3,742	1,475	5,217	3,832	6,170	10,002
April	3,718	1,370	5,088	3,840	6,190	10,030
May	3,386	1,343	4,729	3,800	5,945	9,745
June	3,775	1,502	5,277	3,704	5,846	9,550
July	4,016	1,650	5,666	3,603	5,677	9,280
August	4,164	1,785	5,949	3,522	5,673	9,195
September	4,309	2,155	6,464	3,442	5,678	9,120
October	4,486	1,959	6,445	3,653	5,843	9,496
November	4,598	1,696	6,294	3,735	5,898	9,633
December	4,386	1,425	5,811	3,963	5,584	9,547

RETURNS OF MANUFACTURERS.

Groups of Industries..... Number of Firms reporting	Iron and Steel 143			Timber and Lumber 85		
——	Men.	Women.	Total.	Men.	Women.	Total.
1912						
January	23,255	442	23,697	6,288	174	6,462
February	23,499	442	23,941	6,289	177	6,466
March	23,428	461	23,889	6,440	181	6,621
April	23,748	451	24,199	6,727	179	6,906
May	23,837	439	24,276	6,921	179	7,100
June	23,240	468	23,708	6,954	185	7,139
July	22,829	471	23,300	7,060	177	7,237
August	23,360	501	23,861	7,254	184	7,438
September	23,326	559	23,885	7,490	178	7,668
October	24,149	560	24,709	7,421	167	7,588
November	24,891	565	25,456	6,669	180	6,849
December	25,838	591	26,429	6,680	180	6,860
1913						
January	26,934	591	27,525	6,780	176	6,956
February	27,294	582	27,876	6,705	197	6,902
March	27,784	603	28,387	6,853	179	7,032
April	27,451	609	28,059	7,134	176	7,310
May	26,551	588	27,139	7,113	173	7,286
June	26,330	597	26,927	7,154	171	7,325
July	25,673	582	26,255	7,219	176	7,395
August	25,076	574	25,650	7,281	181	7,462
September	24,644	567	25,211	7,132	177	7,309
October	26,378	596	26,974	7,026	176	7,202
November	23,592	576	24,168	6,609	177	6,786
December	22,206	528	22,734	5,988	175	6,163
1914						
January	22,167	513	22,680	6,011	152	6,163
February	22,417	519	22,936	6,069	160	6,229
March	22,809	519	23,328	6,230	159	6,389
April	22,326	501	22,827	6,474	164	6,638
May	21,009	449	21,458	6,847	159	7,006
June	20,010	464	20,474	6,684	170	6,854
July	19,044	459	19,503	6,396	151	6,547
August	18,108	450	18,558	5,817	136	5,953
September	14,971	449	15,420	5,516	135	5,651
October	14,115	433	14,548	5,375	124	5,499
November	14,019	439	14,458	5,112	132	5,244
December	14,363	420	14,783	4,431	125	4,556

RETURNS OF MANUFACTURERS.

Groups of Industries ..... Number of Firms reporting	Leather 30			Paper and Printing 50		
——	Men.	Women.	Total.	Men.	Women.	Total.
1912						
January	1,905	505	2,410	2,796	1,509	4,305
February	1,966	511	2,477	2,868	1,547	4,415
March	2,004	501	2,505	2,833	1,557	4,390
April	1,937	497	2,434	2,746	1,527	4,273
May	1,969	493	2,462	2,785	1,541	4,326
June	1,967	500	2,467	2,838	1,576	4,414
July	1,988	504	2,492	2,894	1,705	4,599
August	1,992	537	2,529	2,932	1,658	4,590
September	1,989	530	2,519	2,903	1,676	4,579
October	2,035	536	2,571	2,827	1,687	4,514
November	2,027	536	2,563	2,923	1,730	4,653
December	2,077	528	2,605	2,971	1,721	4,692
1913						
January	2,090	540	2,630	3,037	1,756	4,793
February	2,096	539	2,635	3,081	1,753	4,834
March	2,123	501	2,624	3,085	1,795	4,880
April	2,081	500	2,581	3,089	1,724	4,813
May	2,046	515	2,561	3,109	1,709	4,818
June	1,991	517	2,508	3,073	1,726	4,799
July	1,961	519	2,480	3,140	1,715	4,855
August	1,885	483	2,368	3,206	1,803	5,009
September	1,822	511	2,333	3,160	1,796	4,956
October	1,868	517	2,385	3,115	1,751	4,866
November	1,891	527	2,412	3,099	1,714	4,813
December	1,874	486	2,360	3,017	1,791	4,808
1914						
January	1,915	491	2,406	3,129	1,709	4,838
February	1,784	498	2,282	3,144	1,750	4,894
March	1,802	455	2,257	3,076	1,659	4,735
April	1,812	478	2,290	3,077	1,610	4,687
May	1,776	458	2,234	2,985	1,580	4,565
June	1,773	457	2,230	3,058	1,559	4,617
July	1,749	485	2,234	3,057	1,592	4,649
August	1,748	455	2,203	3,066	1,581	4,647
September	1,781	431	2,212	2,873	1,504	4,377
October	1,834	463	2,287	2,798	1,483	4,281
November	1,930	499	2,429	2,773	1,457	4,230
December	1,903	489	2,392	2,749	1,476	4,225

RETURNS OF MANUFACTURERS.

Groups of Industries..... Number of Firms reporting	Liquors and Beverages 18			Chemicals and Allied Products 39		
——	Men.	Women.	Total.	Men.	Women.	Total.
1912						
January	960	67	1,027	1,387	450	1,837
February	977	65	1,042	1,393	458	1,851
March	975	66	1,041	1,432	480	1,912
April	1,064	59	1,123	1,438	502	1,940
May	986	59	1,045	1,504	497	2,001
June	974	59	1,033	1,513	505	2,018
July	1,000	67	1,067	1,485	505	1,990
August	991	67	1,058	1,498	524	2,022
September	996	67	1,063	1,522	566	2,088
October	1,003	74	1,077	1,550	569	2,119
November	1,011	74	1,085	1,569	558	2,127
December	1,022	74	1,096	1,569	518	2,087
1913						
January	1,022	70	1,092	1,753	518	2,271
February	1,002	69	1,071	1,726	521	2,247
March	1,010	69	1,079	1,755	525	2,280
April	1,047	65	1,112	1,811	542	2,353
May	1,032	65	1,097	1,896	532	2,428
June	1,034	65	1,099	2,012	532	2,544
July	1,028	62	1,090	2,256	542	2,798
August	1,027	62	1,089	2,066	542	2,608
September	1,003	62	1,065	2,074	548	2,622
October	1,016	53	1,069	2,043	541	2,584
November	1,011	53	1,064	2,004	520	2,524
December	1,024	53	1,077	1,964	490	2,454
1914						
January	1,001	52	1,053	1,895	483	2,378
February	1,029	53	1,082	1,852	467	2,319
March	1,032	53	1,085	1,872	474	2,346
April	1,047	52	1,099	1,894	482	2,376
May	1,036	53	1,089	2,000	470	2,470
June	1,021	54	1,075	2,018	462	2,480
July	1,042	50	1,092	1,999	441	2,440
August	1,021	47	1,068	2,014	429	2,443
September	992	48	1,040	1,961	427	2,388
October	1,018	46	1,064	1,476	434	1,910
November	975	46	1,021	1,402	412	1,814
December	978	46	1,024	1,385	395	1,780

RETURNS OF MANUFACTURERS.

Groups of Industries	Clay, Glass and Stone			Metals and Products other than Steel		
Number of Firms reporting	26			53		
——	Men.	Women.	Total.	Men.	Women.	Total.
1912						
January	805	197	1,002	4,636	275	4,911
February	831	223	1,054	4,779	346	5,125
March	918	219	1,137	4,830	323	5,153
April	975	221	1,196	5,020	383	5,403
May	1,062	210	1,272	5,188	410	5,598
June	1,072	211	1,283	5,406	406	5,812
July	1,083	205	1,288	5,824	417	6,241
August	1,093	197	1,290	5,664	458	6,122
September	1,093	203	1,296	5,676	461	6,137
October	1,132	197	1,329	5,799	415	6,214
November	1,208	210	1,418	5,957	402	6,359
December	1,183	215	1,398	5,823	395	6,218
1913						
January	1,180	212	1,392	5,886	437	6,323
February	1,197	192	1,389	5,855	491	6,346
March	1,276	178	1,454	5,962	399	6,361
April	1,248	201	1,449	6,242	403	6,645
May	1,466	195	1,661	6,145	395	6,540
June	1,505	194	1,699	6,414	390	6,804
July	1,317	194	1,511	5,969	415	6,384
August	1,271	210	1,481	6,062	403	6,465
September	1,332	205	1,537	6,219	378	6,597
October	1,403	229	1,632	6,396	409	6,805
November	1,389	227	1,616	6,071	373	6,444
December	1,362	225	1,587	5,666	388	6,054
1914						
January	1,277	217	1,494	5,503	508	6,011
February	1,193	193	1,386	5,606	512	6,118
March	1,288	200	1,488	5,443	469	5,912
April	1,469	190	1,659	5,486	494	5,980
May	1,599	171	1,770	5,200	448	5,648
June	1,553	186	1,739	5,441	504	5,945
July	1,389	87	1,476	5,279	403	5,682
August	1,158	132	1,290	4,691	321	5,012
September	1,151	141	1,292	3,827	316	4,143
October	1,083	155	1,238	3,908	290	4,198
November	1,067	154	1,221	3,867	316	4,183
December	1,041	160	1,201	3,748	326	4,074

RETURNS OF MANUFACTURERS.

Groups of Industries ..... Number of Firms reporting	Tobacco and its Manufactures 1			Vehicles for Land Transportation 18		
——	Men.	Women.	Total.	Men.	Women.	Total.
1912	19	6	25	2,825	59	2,884
January	19	5	24	2,877	56	2,933
February	19	5	24	2,804	58	2,862
March	19	5	24	2,811	60	2,871
April	18	5	23	2,781	65	2,846
May	17	4	21	2,554	66	2,620
June	10	3	13	2,506	64	2,570
July	17	2	19	2,435	60	2,495
August	17	4	21	2,381	60	2,441
September	16	4	20	2,463	63	2,526
October	11	2	13	2,603	63	2,666
November	16	4	20	2,725	63	2,788
December						
1913	15	3	18	2,902	73	2,975
January	17	4	21	3,229	71	3,300
February	16	5	21	3,212	77	3,289
March	16	5	21	3,024	73	3,097
April	15	5	20	2,782	75	2,857
May	13	5	18	2,540	72	2,612
June	12	5	17	2,340	69	2,409
July	12	5	17	2,256	66	2,322
August	12	6	18	2,246	67	2,313
September	12	6	18	2,090	63	2,153
October	12	6	18	1,964	57	2,021
November	13	6	19	1,946	60	2,006
December						
1914	12	6	18	2,193	69	2,262
January	13	9	22	2,295	65	2,360
February	12	6	18	2,274	69	2,343
March	13	17	30	2,371	75	2,446
April	12	14	26	2,193	73	2,266
May	13	19	32	2,132	69	2,201
June	13	22	35	1,856	59	1,915
July	14	18	32	1,717	52	1,769
August	14	19	33	2,085	47	2,132
September	14	18	32	2,058	51	2,109
October	13	17	30	1,683	50	1,733
November	14	8	22	1,553	49	1,602
December						

RETURNS OF MANUFACTURERS.

Groups of Industries ..... Number of Firms reporting	Ships, etc. 2			Miscellaneous 73		
——	Men.	Women.	Total.	Men.	Women.	Total.
1912						
January	451	2	453	4,710	1,317	6,027
February	418	2	420	4,810	1,356	6,166
March	436	2	438	4,856	1,357	6,213
April	434	2	436	4,885	1,330	6,215
May	412	2	414	4,883	1,357	6,240
June	565	2	567	4,862	1,359	6,221
July	639	2	641	4,825	1,350	6,175
August	632	2	634	4,897	1,359	6,256
September	633	2	635	4,826	1,416	6,242
October	594	2	596	4,884	1,403	6,287
November	587	2	589	4,944	1,435	6,379
December	607	2	609	5,024	1,330	6,354
1913						
January	749	2	751	5,169	1,470	6,639
February	715	2	717	5,155	1,449	6,604
March	713	2	715	5,126	1,424	6,550
April	728	2	730	5,223	1,410	6,633
May	640	2	642	5,158	1,376	6,534
June	572	2	574	5,011	1,360	6,371
July	594	2	596	4,912	1,293	6,205
August	619	2	621	4,729	1,304	6,033
September	702	2	704	4,683	1,303	5,986
October	650	2	652	4,709	1,391	6,100
November	610	2	612	4,695	1,367	6,062
December	858	2	860	4,555	1,286	5,841
1914						
January	825	2	827	4,795	1,288	6,083
February	870	2	872	4,736	1,291	6,027
March	889	2	891	4,854	1,299	6,153
April	865	2	867	4,924	1,311	6,235
May	694	2	696	4,658	1,231	5,889
June	591	2	593	4,479	1,209	5,688
July	342	2	344	4,434	1,200	5,634
August	189	2	191	4,371	1,167	5,538
September	390	2	392	4,103	1,187	5,290
October	376	2	378	4,041	1,197	5,238
November	269	2	271	3,958	1,245	5,203
December	87	2	89	3,960	1,287	5,247

RETURNS OF MANUFACTURERS.

	All Industries			No. Firms Reporting 651
	Men	Women	Total	Change from previous month
1912				
January	57,400	12,271	69,671	
February	58,073	12,702	70,775	Increase of 1,104
March	58,162	12,557	70,719	Decrease of 56
April	59,245	12,615	71,860	ncrease of 1,141
May	59,687	12,698	72,385	" 525
June	59,603	13,010	72,613	" 228
July	59,851	13,262	73,113	" 500
August	60,513	13,435	73,948	" 835
September	60,680	13,712	74,392	" 444
October	61,909	14,165	76,074	" 1,682
November	62,575	14,165	76,740	" 666
December	63,528	13,248	76,776	" 36
1913				
January	65,358	13,693	79,051	" 2,275
February	66,022	13,974	79,996	" 945
March	66,809	13,785	80,594	" 598
April	66,888	13,769	80,657	" 63
May	66,002	13,881	79,883	Decrease of 774
June	65,842	14,095	79,937	Increase of 54
July	64,546	14,056	78,602	Decrease of 1,335
August	63,339	13,953	77,292	" 1,310
September	63,064	14,082	77,146	" 146
October	64,607	14,013	78,620	Increase of 1,474
November	60,698	13,518	74,216	Decrease of 4,404
December	58,356	12,602	70,958	" 3,258
1914				
January	57,917	12,907	70,824	" 134
February	58,465	13,189	71,654	Increase of 830
March	59,155	13,009	72,164	" 510
April	59,316	12,936	72,252	" 88
May	57,195	12,396	69,591	Decrease of 2,661
June	56,252	12,503	68,755	" 836
July	54,219	12,278	66,497	" 2,258
August	51,600	12,248	63,848	" 2,649
September	47,415	12,539	59,954	" 3,894
October	46,235	12,498	58,733	" 1,221
November	45,401	12,363	57,764	" 969
December	44,561	11,792	56,353	" 1,411

APPENDIX I

Statistical Returns Relating to Vagrancy in Toronto, Hamilton, Ottawa and London

TABLE No. 1.—VAGRANTS BY BIRTHPLACE AND AGE.

TORONTO.

450 Men in Shelters.

	Born in Ontario.	Canada.	U. S.	U. K.	Europe.	Elsewhere.	Total.
18	..	..	..	..	..	..	..
19 to 25	6	2	3	16	10	..	37
26 to 35	20	2	2	99	4	..	127
36 to 45	25	11	..	88	..	..	124
46 to 55	25	5	5	61	3	1	100
Over 55	21	3	1	37	..	..	62
	97	23	11	301	17	1	450

HAMILTON.

97 Men in Shelters.

18	..	..	..	..	..	..	..
19 to 25	1	1	..	6	3	..	11
26 to 35	6	..	2	14	..	..	22
36 to 45	14	..	1	17	1	..	33
46 to 55	12	1	..	7	1	..	21
Over 55	4	..	..	6	..	..	10
	37	2	3	50	5	..	97

OTTAWA.

106 Men in Shelters.

18	..	..	2	..	..	..	2
19 to 25	..	3	1	11	4	..	19
26 to 35	..	3	1	22	4	..	30
36 to 45	..	3	2	19	1	..	25
46 to 55	..	4	2	11	1	..	18
Over 55	..	8	..	3	1	..	12
	..	*21	8	66	11	..	106

LONDON.

17 Men in Shelter.

18	..	..	..	..	..	..	..
19 to 25	1	1	1	..	..	..	3
26 to 35	3	..	1	1	..	..	5
36 to 45	1	1	1	2	..	..	5
46 to 55	1	..	..	1	..	1	3
Over 55	..	..	..	..	..	..	1
	7	2	3	4	..	1	17

TABLE No. 2.—VAGRANTS BY BIRTHPLACE AND PHYSICAL CONDITION.

TORONTO.

450 men in Shelters.

		Born in Ontario.	Canada.	U.S.	U.K.	Europe.	Elsewhere.	Total.
Health..	Good	82	23	9	271	17	1	403
	Medium	15	..	2	28	..	..	45
	Poor	..	..	..	2	..	..	2
Physique	Good	69	18	7	224	15	1	334
	Medium	25	4	4	73	2	..	108
	Poor	3	1	..	4	..	..	8

*For Ottawa no differentiation of birthplace, within the Dominion, was made.

HAMILTON.

97 men in Shelters.

		Ontario.	Canada.	Born in U. S.	U. K.	Europe.	Elsewhere.	Total.
Health..	Good	81	2	3	49	5	..	90
	Medium	6	..	..	1	..	..	7
	Poor	..	..	..	..	..	..	..
Physique	Good	80	2	3	48	5	..	88
	Medium	7	..	..	2	..	..	9
	Poor	..	..	..	..	..	..	..

OTTAWA.

106 men in Shelters.

Health..	Good	..	17	6	64	11	..	98
	Medium	..	3	2	2	..	..	7
	Poor	..	1	..	..	..	..	1
Physique	Good	..	17	5	59	11	..	92
	Medium	..	3	3	7	..	..	13
	Poor	..	1	..	..	..	..	1

TABLE No. 3.—VAGRANTS BY PHYSICAL CONDITION AND AGE.

TORONTO.

450 men in Shelters.

		18	19-25	26-35	36-45	46-55	over 55	Total.
Health..	Good	..	37	118	109	84	53	401
	Medium	..	..	11	10	15	11	47
	Poor	..	..	1	1	..	..	2
Physique	Good	..	32	96	91	73	44	336
	Medium	..	5	34	25	24	19	107
	Poor	..	..	..	4	2	1	7

HAMILTON.

97 men in Shelters.

		18	19-25	26-35	36-45	46-55	over 55	Total
Health..	Good	..	11	23	30	19	7	90
	Medium	..	..	..	2	2	3	7
	Poor	..	..	..	..	..	..	..
Physique	Good	..	11	23	30	17	7	88
	Medium	..	..	..	2	4	3	9
	Poor	..	..	..	..	..	..	..

OTTAWA.

106 men in Shelters.

Health..	Good	2	18	30	25	15	8	98
	Medium	..	1	..	..	3	3	77
	Poor	..	..	..	..	..	1	1
Physique..	Good	2	17	29	22	14	8	92
	Medium	..	2	1	3	4	3	13
	Poor	..	..	1	..	..	1	1

TABLE No. 4.—VAGRANTS BY COUNTRY OF BIRTH, AND TRADE OR OCCUPATION.[1]

Trades.	Born in Canada.	British Isles.	U.S.	Europe.	Elsewhere.	Total.
Bookkeepers	..	5	..	..	..	5
Clerks	8	11	2	..	..	21
Salesmen	2	3	..	..	..	5
Tile Mfg.	..	1	..	..	..	1
Cotton	..	2	..	1	..	3
Linen	..	1	..	..	..	1
Iron and Steel Goods, Boilers, Engines	4	13	1	1	..	19
Foundry and Machine Shop Products	11	16	3	1	..	31
Domestic and Laundry Work	1	7	..	..	..	8
Building Trades:						
Masons and Bricklayers	2	1	..	..	..	3
Carpenters	8	8	..	..	..	16
Carpenters' Labourers	..	2	..	1	1	4
Decorators, etc.	5	17	..	..	..	22
Plumbers, Steamfitters, etc.	..	7	1	..	..	8
Railway Workers:						
Not including construction and repair	4	6	1	1	..	12
Construction and repair of line	4	1	..	1	..	6
Manufacturing and repairing railroad cars	..	3	..	..	..	3
Lake Steamers:						
Stewards	..	1	..	..	..	1
Seamen	..	4	..	..	..	4
Firemen	1	7	..	..	..	8
Teamsters and Truckmen	13	16	..	..	..	29
Labourers, General	76	192	6	21	..	295
Farm Labourers	3	11	1	..	..	15
Other Occupations	47	86	10	6	1	150
Total	189	421	25	33	2	670

TABLE No. 5.—VAGRANTS BY PLACE OF ABODE, AND TRADES AND OCCUPATIONS.[1]

Trades.	Found in Ottawa.	Toronto.	Hamilton.	London.	Total
Bookkeepers	1	4	..	..	5
Clerks	4	17	..	..	21
Salesmen	1	3	1	..	5
Tile Mfg.	..	1	..	..	1
Cotton	..	2	1	..	3
Linen	..	1	..	..	1
Iron & Steel Goods, Boilers, Engines	1	12	6	1	19
Foundry & Machine Shop Products.	3	19	9	..	31
Domestic and Laundry Work	..	7	..	1	8
Building Trades:					
Masons and Bricklayers	..	3	..	..	3
Carpenters	4	10	1	1	16
Carpenters' Labourers	..	4	..	..	4
Decorators, etc.	..	20	1	1	22
Plumbers, Steamfitters, etc.	..	7	1	..	8

[1] This includes the returns from Toronto, Hamilton, Ottawa, and London, which are not given separately.

TABLE No. 5.—VAGRANTS BY PLACE OF ABODE, AND TRADES AND OCCUPATIONS.—*Continued.*

Railway Workers:					
Not including construction and repair	..	11	1	..	12
Construction and repair of line	..	6	..	..	6
Manufacturing and repairing railroad cars	3	..	..	..	3
Lake Steamers:					
Stewards	..	..	1	..	1
Seamen	..	4	..	..	4
Firemen	1	6	..	1	8
Teamsters and Truckmen	..	20	9	..	29
Labourers, General	59	187	44	5	295
Farm Labourers	1	9	3	2	15
Other Occupations	29	97	19	5	150
Total	106	450	97	17	670

TABLE No. 6.—VAGRANTS WITH FARM EXPERIENCE, BY COUNTRY OF BIRTH.

TORONTO.

Number of Returns Answered, 450. Number with Farm Experience, 125.

	Canada.	U. S.	British Isles.	Europe.	Elsewhere.	Total.
Milking	15	2	45	1	..	63
Plowing	16	2	45	1	..	64
Market Gardening	11	2	33	1	..	47
Handling Horses	28	2	84	2	..	116
Cattle, Sheep, Pigs	19	1	54	3	..	77
Poultry	11	1	37	2	..	51
Cheese and Butter	4	1	9	1	..	15
Bee Industry	1	..	3	..	..	4
Total	29	2	92	2	..	125

LONDON.

Number of Returns Answered, 17. Number with Farm Experience, 9.

Milking	3	1	1	..	..	5
Plowing	3	..	2	..	..	5
Market Gardening	2	..	2	..	..	4
Handling Horses	3	1	4	..	1	9
Cattle, Sheep, Pigs	3	..	2	..	..	5
Poultry	2	..	2	..	..	4
Cheese and Butter	1	..	..	..	..	1
Bee Industry	..	..	..	..	..	..
Total	3	1	4	..	1	9

HAMILTON.

Number of Returns Answered, 97. Number with Farm Experience, 55.

Milking	7	..	10	2	..	19
Plowing	11	3	16	3	..	33
Market Gardening	7	1	12	2	..	22
Handling Horses	18	3	26	4	..	52
Cattle, Sheep, Pigs	9	1	13	2	..	25
Poultry	4	..	9	1	..	14
Cheese and Butter	2	..	2	..	..	4
Bee Industry	1	..	..	..	..	1
Total	19	3	29	4	..	55

NOTE.—Ottawa vagrants were not asked if they had had any farm experience.

TABLE No. 7.—VAGRANTS BY COUNTRY OF BIRTH AND LENGTH OF RESIDENCE IN CANADA.

TORONTO.

Number not Born in Canada, 330.

Time in Canada.	Born in U. S.	U. K.	Europe.	Elsewhere.	Total.
1-5 years	4	86	11	..	101
6-10 years	1	117	3	..	121
11-15 years	1	37	..	..	38
16-20 years	..	11	1	..	12
21-25 years	..	6	2	..	8
Over 25 years	5	44	..	1	50
Total	11	301	17	1	330

OTTAWA.

Number not Born in Canada, 75.

1-5 years	6	25	7	..	38
6-10 years	2	28	2	..	32
11-15 years	..	6	1	..	7
16-20 years	..	..	1	..	1
21-25 years	..	4	..	..	4
Over 25 years	..	3	..	..	3
Total	8	66	11	..	85

HAMILTON.

Number not Born in Canada, 58.

1-5 years	2	19	4	..	25
6-10 years	..	17	..	..	17
11-15 years	..	6	..	..	6
16-20 years	..	2	..	..	2
21-25 years	..	..	..	..	..
Over 25 years	1	6	1	..	8
Total	3	50	5	..	58

LONDON.

Number not Born in Canada, 8.

1-5 years	1	3	..	..	4
6-10 years	..	..	..	..	..
11-15 years	..	..	..	..	..
16-20 years	..	..	..	..	..
21-25 years	..	..	..	..	..
Over 25 years	2	1	..	1	4
Total	3	4	..	1	8

TABLE No. 8.—VAGRANTS BY BIRTHPLACE AND MARITAL CONDITION.

	Born in Canada.	U. S.	British Isles.	Europe.	Elsewhere.	Total.
TORONTO.						
Number Unmarried	108	8	258	16	1	391
Number Married	12	3	43	1	..	59
Number with Children in Family	6	3	25	..	..	34
OTTAWA.						
Number Unmarried	16	8	58	10	1	92
Number Married	5	..	8	1	..	14
Number with Children in Family	..	..	1	..	..	1
HAMILTON.						
Number Unmarried	30	3	38	3	..	74
Number Married	9	..	12	2	..	23
Number with Children in Family	5	..	..	12	1	18
LONDON.						
Number Unmarried	9	3	3	..	1	16
Number Married	..	..	1	..	..	1
Number with Children in Family	..	..	1	..	..	1

TABLE No. 9.—VAGRANTS SHELTERED IN THE HOUSE OF INDUSTRY, TORONTO.

Month.	Number persons sheltered.	Residents of Toronto.	Non-residents of Toronto.	Average number per night.
1912				
February	295	198	97	74
March	341	229	112	73
April	339	161	178	46
May	172	120	52	21
June	138	83	55	17
July	100	75	25	11
August	126	86	40	14
September	103	80	23	13
October	124	84	40	12
November	148	88	60	14
December	312	184	128	37
1913				
January	419	248	171	73
February	337	233	104	85
March	320	224	96	91
April	338	210	128	51
May	176	117	59	17
June	132	99	33	12
July	149	97	52	16
August	177	120	57	17
September	240	151	89	19
October	278	186	92	25
November	383	226	157	43
December	703	373	330	139
1914				
January	819	613	206	205
February	779	590	189	206
March	867	616	251	214
April	805	609	196	174
May	712	409	303	64
June	578	357	221	50
July	562	378	184	50
August	642	460	182	55
September	679	522	157	79
October	687	525	162	193
November	557	464	93	225
December	544	431	113	217
1915				
January	455	385	70	208
February	360	313	47	196
March	383	307	76	189
April	455	375	80	144

With the Compliments of

The Lieutenant-Governor of Ontario

Chairman of the Central Red Cross Committee

REPORT

ON THE

BRITISH RED CROSS FUND

Trafalgar Day, October 21st, 1915

PRINTED BY ORDER OF

THE LEGISLATIVE ASSEMBLY OF ONTARIO

TORONTO:
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1916

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TORONTO.

To His Honour, Sir John Strathearn Hendrie, K.C.M.G., C.V.O., etc., etc., etc.,

Lieutenant-Governor of the Province of Ontario.

May It Please Your Honour:

I herewith beg to present for your consideration the report of the Central Provincial Committee for Ontario, which had in charge the appeal from the British Red Cross Society and the Order of St. John of Jerusalem.

Respectfully submitted.

T. W. McGarry,

Provincial Treasurer.

To the Honourable T. W. McGarry, K.C., M.P.P.,
Provincial Treasurer of Ontario.

Sir:

I am instructed by the Central Provincial Committee, which had in charge the appeal of the British Red Cross Society and the Order of St. John of Jerusalem, made on Trafalgar Day, October 21st, 1915, to submit for your approval the following reports, made to the Committee by the Treasurer and the Secretary respectively.

I have the honour to be, Sir,

Your obedient servant,

Albert H. Abbott,

Secretary of the Committee.

REPORT OF THE TREASURER OF THE CENTRAL PROVINCIAL COMMITTEE

To His Honour, Sir John Hendrie, K.C.M.G., C.V.O., Chairman.

May It Please Your Honour:

I have the honour to submit the following report as Treasurer of the British Red Cross Fund for the Province of Ontario. The following statement shows the amount of money which reached me as Treasurer of the above mentioned Fund and the disposition which has been made of it. I have left all details as to the crediting of the contributions to the various municipalities and to the various organizations in these municipalities to the Secretary.

Jan. 18, 1916—Total amount received to date	$1,492,907 11	
Bank interest on minimum monthly balance up to Dec. 31, 1915	84 98	
Oct. 26, 1915—Purchased Exchange on London, £100,000 ..		$463,677 10
Nov. 9, 1915—Purchased Exchange on London, £100,000...		465,750 00
Dec. 13, 1915—Purchased Exchange on London, £100,000...		472,500 00
Jan. 19, 1916—Balance on deposit in Bank of Montreal.....		91,064 99
	$1,492,992 09	$1,492,992 09

Respectfully submitted,

T. W. McGarry,

Treasurer.

I hereby certify that I have carefully examined and checked the books of account showing collections made for the British Red Cross Fund for the Province of Ontario and find that the above epitomized statement of the same is in accordance therewith and accurate in all respects.

J. Clancy,

January 21st, 1916. *Provincial Auditor.*

REPORT OF THE SECRETARY OF THE CENTRAL PROVINCIAL COMMITTEE

To His Honour, Sir John S. Hendrie, K.C.M.G., C.V.O., Chairman, and Members of the Central Provincial Committee.

Gentlemen:—

I have the honour to submit the following report on the response of the Province of Ontario to the appeal of the British Red Cross Society and the Order of St. John, together with a somewhat detailed account of the steps taken to bring the appeal before the citizens of the Province.

On the evening of September 29th, 1915, His Honour, Sir John S. Hendrie, K.C.M.G., C.V.O., received the following cablegram:—

"Sir John S. Hendrie, C.V.O.,

"*Lieutenant-Governor of the Province of Ontario, Government House, Toronto.*

"I beg to inform you that the British Red Cross Society and the Order of St. John, in view of the great demands upon their resources, both in France and the Near East, have decided to make an appeal throughout the Empire, by street and other collections, upon the 21st day of October next.

"The money received from this appeal will be devoted entirely to relieving the sufferings of our wounded soldiers and sailors, from home and overseas, at the various seats of war, from all parts of the King's Dominions. We have already received generous assistance in our work, but with the increase of British and overseas forces at the front there is a corresponding increase in our expenditure, and we shall be truly grateful to you if you will help us by organizing an appeal and sending the proceeds to us for the objects which I have named.

"I shall be greatly obliged if you will kindly communciate the foregoing to your Government. Their Majesties the King and Queen and Her Majesty Queen Alexandra are giving us their gracious patronage, and I trust that you will also be able to see your way to help.

"Lansdowne,

"*President of the British Red Cross Society,*

"*83 Pall Mall, London.*"

In accordance with the appeal, His Honour laid the message before his Government on the morning of September 30th. It was at once decided to issue a special proclamation dealing with the appeal and to take steps to have it brought to the attention of the citizens of the Province at the earliest possible moment. Accordingly, a number of prominent citizens of the City of Toronto were called to meet the members of the Cabinet at four o'clock on the afternoon of September 30th. This meeting was composed of prominent workers in the Canadian Red Cross Society, the Canadian Patriotic Fund, the Speakers' Patriotic League, and representatives of the Press of the City.

After reading the message, His Honour pointed out what appeared to him significant in it, namely, it was the first appeal for help from the Motherland to her colonies; it was an appeal for a "One Day" offering to aid the British Red Cross Society and the Order of St. John of Jerusalem in the tremendous task which has been laid upon them of caring for the sick and wounded soldiers and sailors from home and overseas at the various seats of war; and it had the approval and patronage of Their Majesties the King and Queen and Her Majesty Queen Alexandra. His Honour then mentioned the steps which had already been taken in bringing the matter to the attention of the Government of the Province and the action which the Government had taken upon it. The representatives of the Canadian Red Cross Society without hesitation expressed their complete agreement and assured His Honour and the members of the Government of the hearty co-operation of their organization in making the response to this appeal a satisfactory one, both in the Province of Ontario and throughout the Dominion of Canada. The other gentlemen present also promised their hearty co-operation, and it was decided to appoint a Central Provincial Committee to prosecute vigorously the organization of the various municipalities of the Province. Dr. Albert H. Abbott, who had been acting as Secretary of the Speakers' Patriotic League, was appointed Secretary of this Committee, and a small Committee was appointed to name the members of the Central Committee.

On the morning of October 1st this Committee met and appointed the following gentlemen members of the Central Committee:

His Honour, Col. Sir John Hendrie, K.C.M.G., C.V.O.
Hon. W. H. Hearst.
N. W. Rowell, Esq., K.C., M.P.P.
Sir John Gibson, K.C.M.G., Hamilton.
Sir John Willison, Kt.
Hon. T. W. McGarry.
Hon. James Duff.
Lt.-Col. Noel Marshall.
J. E. Atkinson, Esq.
Major W. S. Dinnick.
Thomas Church, Esq., Mayor of Toronto.
E. R. Wood, Esq.
N. F. Davidson, Esq., K.C.
J. W. Flavelle, Esq., LL.D.
J. W. Woods, Esq.
E. P. Brown, Esq.
W. H. Price, Esq., M.P.P.
J. F. McKay, Esq.
W. F. Douglas, Esq.
W. F. McLean, Esq., M.P.
J. Ross Robertson, Esq.
Hon. Sir Louis Henry Davies, K.C.M.G., Ottawa.
Fred. Cook, Esq., Ottawa.
J. W. Robertson, Esq., LL.D., C.M.G., Ottawa.
Rev. Alfred Hall.
Albert H. Abbott, Esq., Ph.D.

At the same time it was decided to send a Night Lettergram to the Mayors and Reeves of the Province so that the appeal might be brought to their attention at the earliest possible moment. Accordingly the following lettergram was sent to the head of every municipality, on the evening of October 1st:—

"TORONTO, October 1, 1915.

"I beg to inform you that Lord Lansdowne has sent me the following cablegram:—

"'I beg to inform you that the British Red Cross Society and the Order of St. John, in view of the great demands upon their resources, both in France and the Near East, have decided to make an appeal throughout the Empire, by street and other collections, upon the 21st day of October next.

"'The money received from this appeal will be devoted entirely to relieving the sufferings of our wounded soldiers and sailors, from home and overseas, at the various seats of war from all parts of the King's Dominions. We have already received generous assistance in our work, but with the increase of British and overseas forces at the front there is a corresponding increase in our expenditure, and we shall be truly grateful to you if you will help us by organizing an appeal and sending the proceeds to us for the objects which I have named.

"'I shall be greatly obliged if you will kindly communicate the foregoing to your Government. Their Majesties the King and Queen, and Her Majesty Queen Alexandra are giving us their gracious patronage, and I trust that you will also be able to see your way to help.—LANSDOWNE.'

"In view of the urgency and importance of this first appeal that the Motherland has made to us, I confidently trust that you will at once organize with a view to getting a worthy contribution from the people of your municipality on October 21st.

"JOHN S. HENDRIE,
"*Lieutenant-Governor.*"

On the morning of October 2nd, the members of the Committee met and organized with the following officers:—

His Honour, Sir John Hendrie, Lieutenant-Governor, Chairman.
Hon. W. H. Hearst and N. W. Rowell, Esq., Vice-Chairmen.
Hon. T. W. McGarry, Treasurer.
Dr. Albert H. Abbott, Secretary.

The Provincial Government assured the Committee of their willingness to supply the money necessary to cover the expenses of the Central Committee, so that every cent which reached the Treasurer from the municipalities of the Province would be sent direct to London.

Major Dinnick was asked to organize the campaign in so far as the newspapers and billboard advertising were concerned, and Frank H. Rowe, Esq., was asked to secure a list of gentlemen willing to address meetings, and to supply them with such information as they might need about the British Red Cross Society and the Order of St. John.

The Secretary was authorized to prepare circular letters to various representative persons throughout the Province, and was urged to use every endeavour to have these sent out at the earliest possible moment.

At the same time the Committee authorized the suggestion to the municipalities of various means of securing contributions, in addition to the recognized methods of canvassing, as follows:—

A day's pay (Oct. 21st) from wage-earners;
A day's receipts from theatres and picture houses;
Collections in the churches on the preceding Sunday;
Collections in the schools and educational institutions;
A Flag Day on October 21st.

His Honour, the Lieutenant-Governor, sent the following circular letter to all Mayors and Reeves of the Province. With this letter were enclosed a facsimile of the original cablegram and a copy of the Proclamation of the Government, as published in the *Ontario Gazette* of October 1st:—

"GOVERNMENT HOUSE,

"TORONTO, October 1st, 1915.

"DEAR SIR:

"The Motherland has made its first appeal to its loyal subjects beyond the seas in all parts of the King's Dominions. The tremendous demands which have been made upon the resources of the British Red Cross Society and the Order of St. John, and the even still greater demands which will be made upon these organizations, in view of the Allied Forces now taking the offensive in France and in the Near East, have led them to appeal to the British Dominions for help. The appeal is sent out by the Marquis of Lansdowne, President of the British Red Cross Society, under the gracious patronage of Their Majesties the King and Queen, and Her Majesty Queen Alexandra. The day set apart for the collection of money to meet this appeal is, most fittingly, Trafalgar Day, October 21st. This appeal has come to me as Lieutenant-Governor of the Province of Ontario, as it goes to every representative of His Majesty throughout the world, and I send it on to you supported by the enclosed proclamation by the Government of Ontario.

"I feel sure that nothing need be said in support of this appeal, made in the interests of those who are fighting and suffering for us. It calls upon our humanity quite as much as on our loyalty; our soldiers and sailors who are wounded have nobly done their bit—it remains for us at home to see that nothing is left undone which can be done to relieve their sufferings.

"May I call your attention also to the fact that the funds collected through this appeal will be devoted to the care of sailors as well as soldiers. The Empire is justly proud of the remarkable work of its Navy, and we in Canada may very well regard this Trafalgar Day collection as in a special sense a tribute to the valour of our sailors.

"Our own Canadian Red Cross Society has been doing noble work in caring for the wounded in the Canadian Overseas Forces, and has from time to time made substantial grants to the British Red Cross Society, as its funds would allow. The appeal from the British Red Cross Society is quite apart from any call which our Canadian Red Cross Society has made, or will make, upon us, and I am glad to be able to inform you that the Empire's appeal is sent on to you with the hearty approval and co-operation of the President and Executive Committee of the Canadian Red Cross Society. You may, therefore, call upon the men and women of your municipality, who have doubtless been working, as those in other localities, for the Canadian Red Cross Society, with the assurance that the Canadian Society is not merely willing that they should help in this special one-day collection, but, more than that, it would urge them to give every help in the same unstinting way to it as they have given their work for the Canadian Society. Further, as this appeal comes to every loyal subject in the British Empire, I would urge that no section of your community be overlooked, either in the organization or in the collection. Let the response come from every member of your community.

"In submitting this appeal to you, and as you submit it to the men and women you may call together, may I suggest that the following points may well be emphasized:

"This is the first appeal of the Motherland to Canadians during the present war; it is an appeal for one day in particular and should not be allowed to interfere with the regular patriotic work which your municipality is undertaking; it is the only

appeal which has come to us in any form in which the sailors of the Empire are explicitly included. For these, and doubtless many other reasons which may occur to you, I would urge upon you to endeavor to make the response from your municipality worthy of the great cause to which the funds will go.

"Yours faithfully,

"JOHN S. HENDRIE,

"*Lieutenant-Governor.*"

His Honour, the Lieutenant-Governor, also addressed the following circular letter to all Members of Parliament and Members of the Legislative Assembly in Ontario:—

"GOVERNMENT HOUSE,

"TORONTO, October 6th, 1915.

"DEAR SIR:

"The Marquis of Lansdowne has sent an appeal to me, and through me to the Government of Ontario. I enclose a copy of the cablegram which I received, with the proclamation of the Government and a letter which I have sent to the Mayors and Reeves of the Province. You will see from this appeal that the British Red Cross Society, in anticipation of the tremendous demands which will be made upon it owing to the general offensive movement now being undertaken by the Allied Forces, both in France and in the Near East, has appealed to all parts of the King's Dominions for a contribution on Trafalgar Day, October 21st. May I take the liberty of urging you to do everything in your power to arouse the people of your constituency to the pressing needs of the moment if our wounded and sick sailors and soldiers are to be adequately provided for?

"As there has never been a war in which the number of men engaged is at all comparable to the magnitude of the armies in the field to-day, and the nature of the fighting has never given such a high percentage of wounded, there is no means of comparing the demands made upon the Red Cross Agencies in the past with those made upon them to-day. In spite of the effective organization which has been reached, the Red Cross Society has to face the possibility of this organization becoming ineffective unless money is forthcoming to provide drugs, dressings and needed help. The appeal of the British Red Cross Society, therefore, is one which will stand the closest scrutiny. We may well feel that no matter how liberal the citizens of our Province and of the Empire may be, the need will still be in excess of the contributions.

"Yours faithfully,

"JOHN S. HENDRIE,

"*Lieutenant-Governor.*"

At the same time the Prime Minister, Honourable W. H. Hearst, sent a personal letter to the Conservative Members of the Legislative Assembly, and N. W. Rowell, Esq., Leader of the Opposition, sent a personal letter to all Liberal Members of the Legislative Assembly. Each of these personal letters urged the Members to co-operate in every way possible with the municipalities in their constituencies in placing the appeal and the work of the British Red Cross Society and the Order of St. John before the citizens, so that a response worthy of the Province of Ontario might be secured.

As rapidly as the circulars could be prepared, the following were sent out:—

1. A circular letter to all Protestant Clergymen of the Province. With this was enclosed, to all Presbyterian Ministers, a general appeal from the Rev. M. MacGillivray, D.D., Moderator of the General Assembly of the Presbyterian Church in Canada; and to all Methodist Ministers a similar appeal from Rev. S. D. Chown, D.D., General Superintendent of the Methodist Church, and Rev. T. Albert Moore, D.D., Secretary of the General Conference. The various Bishops of the Church of England in Ontario issued special pastorals to their Clergymen, or communicated with them in other ways; and Archbishop McNeil, through his Bishops, made special appeals to the members of the Roman Catholic Church.

2. A circular letter from Honourable G. H. Ferguson, Acting Minister of Education, to all the teachers in Public and Separate Schools, and in the High Schools and Collegiate Institutes of the Province.

3. A circular letter, issued under instructions from the Honourable James Duff, Minister of Agriculture, from George A. Putnam, Esq., Superintendent of Institutes of the Province, to the officers and members of Ontario Women's Institutes.

4. A circular on organization in rural municipalities to the Reeves of townships and villages.

5. A circular on organization to the Mayors of the cities and towns of the Province.

6. Circulars on Red Cross work and the British Red Cross Society, and a Red Cross Catechism, to several hundred speakers, to newspapers and to the Principals of the larger schools.

In addition to the circulars sent out from this office, special mention should be made of the circular prepared by the Canadian Red Cross Society and sent by the Executive Committee to every branch of their organization throughout Canada. This circular was prepared in the form of an Emergency Bulletin. It contains a copy of the cable from Lord Lansdowne and a special request to the officers of all Provincial and Local Branches, asking that immediate action should be taken to make known the contents of the Bulletin to branches of the Red Cross Society and to all others working for the Red Cross. The following is quoted from the Bulletin:—

"The Executive Committee of the Canadian Red Cross Society, in order to ascertain the views of its Patron, H.R.H. the Governor-General of Canada, as to the part which the Canadian Red Cross Society should undertake in this matter, at once communicated with His Royal Highness and received from him the following gracious letter:—

"2nd October, 1915.

"SIR:

"An urgent appeal sent to all parts of the Empire emanating from the President of the British Red Cross Society, Lord Lansdowne, has reached me in behalf of aid to the funds of that Society.

"I need hardly say that both the Duchess and myself are in warmest sympathy with this movement, and that we fully approve of any action which your Society may undertake in furtherance of the object in view. The organization of the campaign in Canada has been undertaken by the Governors of the several Provinces of the Dominion, and will culminate on the 21st October.

"We shall be glad to hear that your Society will promote the object in view in every way possible through your branches, in co-operation with the committees established by the Provincial Governments, and that it may result in an offering worthy of the Dominion, and the more so as this is the first appeal which has been made to the generosity of the Canadian people by the British Red Cross Society since the outbreak of the war.

"Believe me,
"Yours sincerely,
"(Signed) ARTHUR.

"NOEL MARSHALL, ESQ.,
"*Chairman, Canadian Red Cross Society, Toronto.*

"A meeting of the Executive was immediately called thereon and the following resolutions were passed and are now promulgated for general information of Provincial and Local Branches throughout the Dominion:—

"*Resolved*, That all officers and members of the Canadian Red Cross Society be called upon to co-operate cordially with their Provincial Government Committees in every way possible to further the appeal of the British Red Cross Society.

"*Resolved*, That all collections in response to the special appeal made upon October 21st, 1915, be paid directly to the local Treasurers appointed by the several Provincial Governors, and not to the Treasurers of branches of the Canadian Red Cross Society, as this appeal is entirely separate from the ordinary appeal of the Canadian Red Cross Society, being Empire-wide and direct from the parent society.

"*Resolved*, That the Provincial and other branches are clearly informed that this collection is limited to the operations of one day, viz., October 21st, 1915."

Equally with the Canadian Red Cross Society, the officers of the Canadian branch of the St. John Ambulance Association were active in the good work. As soon as the appeal of His Honour, the Lieutenant-Governor, was received the executive met and gave instructions for the issuance of a circular to be sent to all officers and centres throughout the Dominion, as follows:—

"TO ALL OFFICERS, ST. JOHN AMBULANCE ASSOCIATION.

"DEAR SIR OR MADAM:

"The earnest attention of all Centres of the St. John Ambulance Association is called to the proposed Trafalgar Day collection in aid of the Joint Committee of the British Red Cross Society and the Order of St. John, on Thursday, October 21st. In view of the great demands upon the resources of both organizations in France and the Near East, the Joint Committee has decided to make an appeal throughout the Empire, by street and other collections, and the money received from this appeal will be devoted entirely to relieving the sufferings of all wounded soldiers and sailors at the various seats of war, from all parts of the King's Dominions.

"As the St. John Ambulance Association is the Ambulance Department of the Order of St. John, working in close co-operation with the British Red Cross Society, as are the Canadian Branch of the St. John Ambulance and the Canadian Branch of the Red Cross Society, the appeal is heartily concurred in, and the officers of every Centre

of the Association are requested to immediately get into communication with the Local Branch of the Red Cross Society, if such exists, and with municipal bodies and other organizations, which would co-operate in carrying out a campaign on the lines suggested.

"As the time is short, it is earnestly requested that this matter be given the immediate attention of your Centre, so that the best results may be obtained.

"It is suggested that all funds collected be forwarded to the Lieutenant-Governors of the several provinces, for transmission to England, through His Royal Highness the Governor-General."

In some places the officers of the two organizations are one and the same; in others, where no Red Cross Society existed, the St. John ambulance centre promptly took the lead in the appeal. According to a statement received from Mr. Fred. Cook, Honourary Secretary of the St. John Ambulance Association in Canada, there are some thirty thousand first-aid graduates throughout the Dominion, of whom at least ten thousand reside in the Province of Ontario. Thanks, therefore, to the activity of the Canadian branch of this association, the Provincial Committee was enabled to enlist the services of many men and women in this great movement on behalf of the British Red Cross.

In connection with the Publicity Campaign so ably arranged, both for the Province and for the City of Toronto, by Major W. S. Dinnick, certain facts should be noted. J. J. Gibbons, Ltd., offered their services to the committee in connection with the newspaper campaign and suggested the preparation of six advertisements in two sizes, which might be sent free of charge to the newspapers of the Province. The art work and the zinc etchings were prepared at no cost to the committee, and it was estimated that the committee might secure approximately $25,000 worth of advertising if paid for in the usual way, at a merely nominal cost, the only expenses being the preparation of plate matter, shipping charges, the printing of form letters and postage. There are 460 newspapers published in the Province of Ontario. Of these 440 published the advertising matter submitted to them, in whole or in part. The committee is indebted to the newspapers for giving the use of their columns free of charge, and to J. J. Gibbons, Ltd., for the way in which the newspaper publicity was prepared and conducted.

The E. L. Ruddy Company, Ltd., offered their services in connection with billboard advertising and prepared posters of two sizes, the larger size measuring 10 x 25 feet. Both the preparation and the printing (including the paper) were donated by the Ruddy Company and the billboards were provided, as well as the putting up of the posters, at no cost to the committee. Approximately $10,000 worth of advertising was contributed in this way. The posters were used in more than seventy-five of the most important cities and towns of the Province. The only expense in connection with this advertising was the express charges. The committee is indebted to Mr. Ruddy and to Mr. Frank H. Rowe for the generous part they took in the advertising throughout the Province and in the City of Toronto.

In addition to the above, the head office of the National Chapter of Canada of the Imperial Order Daughters of the Empire circularized all Chapters of the Order throughout Canada, urging their co-operation in connection with the British Red Cross appeal.

It is interesting to note the many important circles in each community which were directly touched by the publicity given this appeal:—

1. Every Mayor and Reeve, together with the members of the Municipal Councils of the Province.

2. Most of the newspapers, and through them their many readers.

3. The many who would be reached in the larger towns and cities by billboard advertising.

4. All the clergymen of the Province—Protestant and Catholic—the greater number of whom certainly devoted some attention in their church services to the appeal.

5. Every school teacher in the Province, and through them the children of the Province.

6. Every member of Parliament and members of the Legislative Assembly.

7. Every branch of the Canadian Red Cross Society and of the Order of St. John.

8. Every Women's Institute, which would mean at once a very large proportion of the women in the rural communities of the Province.

9. Every Chapter of the Daughters of the Empire.

10. Many hundred managers of banks throughout the Province, who were sent special literature regarding the Red Cross appeal through their head offices.

11. Every group of Boy Scouts and Girl Guides—the Boy Scouts in particular, largely because of their greater numbers, proved most valuable. The appeal reached them through His Royal Highness, the Duke of Connaught, Chief Scout for Canada, and through H. J. Hammond, Esq., Assistant Commissioner of the Boy Scouts for Ontario.

12. In addition to these, though in part overlapping some of the groups, should be mentioned the several hundred speakers to whom specially prepared literature was sent.

It became evident early in the campaign from the correspondence reaching the central office, that this publicity was bearing fruit and in most parts of the Province was meeting with a hearty response. Organization in the various municipalities was effected in many different ways—in some the school children, in others the Women's Institutes, the Daughters of the Empire, the Women's Patriotic Leagues, etc., formed the nucleus of the organization through which the canvass of

the citizens was made, while in a few cases the churches were utilized and the contributions gathered largely through collections taken in them. In many municipalities "Flag Days" in various forms were arranged, while in many of the larger centres the business men of the community organized to conduct the canvass. As was natural, the larger the city the more complex the organization needed. In Toronto, in particular, the organization was probably the most complete that had ever been effected. A Campaign Committee with the following officers was formed:—

Honourary President, His Worship, Mayor T. L. Church.
President, J. W. Woods, Esq.,
Vice-President, Arthur Hewitt, Esq.,
Honourary Treasurer, Sir Edmund B. Osler.
Honourary Secretary, F. G. Morley, Esq.

G. A. Warburton, Esq., the veteran organizer of short campaigns, accepted the position of Organizer. Under his direction twenty-five teams, with approximately ten members in each team, undertook the work of canvassing. Some of the features of the Toronto campaign are worthy of special mention. Not merely did these many business men devote their attention almost exclusively for three days to the campaign, but hundreds of others were organized to make a house-to-house canvass of the city, four being assigned to each postal route. This was done in about two hours on the evening of October 21st. A Ladies' Committee was formed under the Presidency of Mrs. H. P. Plumptre, under whose direction almost every church in the city was opened to receive contributions on October 21st. Practically every school of the city took up the appeal, and both children and teachers contributed most liberally. One of the striking features of the campaign was the school children's parade in which about one hundred and twenty-five elaborately decorated automobiles proceeded in line to the City Hall, where each school deposited its contribution. The foregoing deals with the more public side of the organization only. This in itself gives but a very general idea of the enthusiasm created and it barely touches the many churches, clubs, fraternal societies, etc., which took special part, each in its own way, in this remarkable campaign.

The Central Committee decided to ask the Province to contribute $500,000, and of this it was thought Toronto might contribute $250,000. The spontaneous outburst of enthusiastic applause which followed the announcement at the public meeting on the evening of October 21st that Toronto's contribution would exceed $500,000 was in itself eloquent testimony to the interest of the citizens. It was at that time thought that the Province, outside of Toronto, would contribute at least another $500,000, and those most competent to judge estimated that this amount might

even exceed $750,000, but no one at that time could be aware of the relatively small number of municipalities which would take no part in the campaign. And even among these it should not be thought that deep interest was not aroused, for many of them did not make an active response to the British Red Cross appeal solely because they had, within a few weeks previous to Trafalgar Day, contributed most liberally to the Canadian Patriotic Fund and the Canadian Red Cross Fund. Three reasons would probably cover all cases in which no response was made: *First,* an extensive campaign had been very recently completed, and it was felt that a second campaign would not be understood; *second,* the sparse and widely-scattered population and relative poverty of some municipalities stood in the way of organization; *third,* the lack of a leader competent to effect an organization. In no case has a letter reached the Secretary in which indifference to the appeal was manifested.

The following table shows at a glance the very general response to the appeal:—

Number of municipalities in Ontario	902	
Municipalities (counties and districts) included in the above to which no appeal was explicitly made	53	
Number of municipalities to which the appeal was sent	849	
Number of municipalities from which contributions were received, exclusive of counties		775
Number of municipalities not contributing		74
Number of unorganized townships, etc., included, for various reasons, in the report		37
Number of County Councils which made grants		4

On the evening of October 21st the following cablegram was sent to Lord Lansdowne by His Honour the Lieutenant-Governor:—

"Your appeal to Province of Ontario for funds for British Red Cross and Order of St. John has met with general and generous response. The citizens of Toronto have contributed over five hundred thousand dollars; other places, three hundred thousand, and many places yet to hear from."

To this cablegram the following reply was received:—

"Sir John Hendrie,

"*Lieutenant-Governor of the Province of Ontario, Toronto.*

"I desire, on behalf of the Red Cross and Order of St. John, to express through you our grateful thanks to the citizens of the Province of Ontario for their munificent response to our appeal. At the same time I beg to thank you for the personal help and interest which you have generously extended to us.

"Lansdowne."

On October 26th, owing to the large cash response of the City of Toronto, it was possible to send our first remittance. Notification of this was sent in the following cablegram:—

"LORD LANSDOWNE,
"*President Red Cross Society, London.*

"One hundred thousand pounds, part of Ontario's contribution to British Red Cross and Order of St. John Fund, cabled to credit of Arthur Stanley, Dominion Bank, London.

"JOHN S. HENDRIE,
"*Lieutenant-Governor, Province of Ontario.*"

Formal acknowledgment of this remittance was received in a letter from the Chairman of the Joint War Committee of the British Red Cross Society and the Order of St. John as follows:—

"83 PALL MALL, LONDON, S.W.,
"1st November, 1915.

"DEAR COLONEL HENDRIE:

"I have now the pleasure to enclose a formal receipt for the £100,000, which has been placed to our credit at the Bank of England.

"In doing so may I express my sincere regret that by an oversight no cable acknowledgment of receipt of this money was sent to you. The fact is that I thought Sir Robert Hudson, Chairman of the Finance Committee, had cabled you and he thought that I had; but I hope you will accept my apologies for the mistake.

"You have received a cable from Lord Lansdowne, the Chairman of our Council, conveying to you our very sincere and grateful thanks for the magnificent contribution from the citizens of the Province of Ontario.

"It is difficult for me to say anything which will adequately convey to you the feelings of gratitude which we bear towards Canada for the magnificent help that she has given. In money, in material, and last, but not least, in men, Canada has indeed set a splendid example to the whole of the rest of the Empire!

"I am, my dear Colonel,
"Very faithfully,
"ARTHUR STANLEY."

On November 9th we were able to send a second remittance. The following cablegram was sent:—

"ARTHUR STANLEY,
"*Red Cross, 83 Pall Mall, London.*

"Cabled to-day one hundred thousand pounds your credit Bank of Montreal. Ontario's second instalment Trafalgar Day Fund.

"JOHN S. HENDRIE,
"*Lieutenant-Governor.*"

To this the following acknowledgment was received:—

"SIR JOHN HENDRIE,
"*Lieutenant-Governor, Province of Ontario, Toronto.*

"Your cable just received. Hasten to convey most grateful thanks for this further proof of Ontario's splendid generosity.

"STANLEY."

On December 13th the third remittance was sent. This was acknowledged in the following cable:—

"Col. Sir John Hendrie,

"*Lieutenant-Governor, Province of Ontario, Toronto.*

"Please communicate to all concerned our grateful thanks for further contributions of one hundred thousand pounds, received yesterday through Bank of Montreal from Province of Ontario.

"Lansdowne."

On October 22nd His Honour, Sir John S. Hendrie, issued the following statement of thanks as Chairman of the Central Committee:—

"*To all who have helped to obtain the magnificent response to the appeal of the British Red Cross Society and the Order of St. John the following statement is addressed:*

"Although there are some municipalities which, for various reasons, will not complete the collection of funds from the citizens in aid of the British Red Cross Society and the Order of St. John, and in response to the appeal which reached me on September 29th, most of the work will have been completed on October 21st. From information which is already in hand, it may be confidently stated that the citizens of Ontario have answered this call of the Motherland in a truly remarkable way. The response has been general, which in itself is most gratifying, but, beyond that, it has been generous to an unprecedented degree. The Central Committee asked the citizens of the Province to contribute Five Hundred Thousand Dollars. It is already known that more than double this amount has been contributed, and the returns, which are coming in, are being compiled as rapidly as possible. The City of Toronto has, by means of a complete organization, and owing to the enthusiastic response of its citizens, contributed considerably more than double the amount the Central Committee had any reason to expect, and approximately one hundred and fifty other municipalities of the Province, which have already reported, have doubled the amount expected from the whole Province outside of Toronto. No forecast of the total contribution of the Province can yet be made, but, from present indications, it would not be surprising if three times the amount asked for from the Province as a whole were contributed.

"The outstanding characteristics of these contributions is undoubtedly not the amount of money which has been given, but the spirit of devotion to the Motherland and the goodwill with which the appeal has been met. The significance of this is not so much that the citizens of Ontario are willing to give now, it is rather that they are ready to respond at any time, up to the measure of their ability. This is surely the most gratifying message which the Motherland could receive at the present time. Ontario as a whole has demonstrated, as perhaps never before, that the Empire's cause is its cause, and that the citizens of this Province are united in support of the Motherland in her great struggle for the maintenance of freedom and international righteousness.

"To the members of the Central Committee in the first place, my personal thanks are due for the unanimity and enthusiasm with which they have dealt with the various matters submitted for their consideration. In particular, I am indebted to the Honourable W. H. Hearst and Mr. N. W. Rowell, who supported me as Vice-Chairmen, and who gave their time and thought to the work of the Committee without stint.

"The Committee itself, for whom, as its Chairman, I speak, is deeply indebted to the Prime Minister of the Province and the members of the Cabinet for the earnest,

personal interest which they have shown in the appeal from the moment it was brought before them to the present. The Committee is indebted to the Government of the Province for so readily assuming the expenses of the Central Committee, so that every cent of the money sent in can be sent direct to the Motherland.

"In the next place, the Committee is indebted to the Mayors, Reeves and Municipal Councils to whom the appeal was sent for the prompt and generous action taken, and to all citizens of these municipalities who responded so nobly to the call from the British Red Cross Society and the Order of St. John.

"The press of the City of Toronto and of the towns throughout the Province has responded to this patriotic and humanitarian appeal in its usual way. Space has been granted the Committee lavishly, and the interest of the newspapers is reflected in many strong appealing editorials, and in other forms, in their columns. Without the generous help of the press of the City of Toronto and Province of Ontario, the result accomplished could not possibly have been attained, and in a very special sense the thanks of the Committee are due the publishers of the papers for the generous contribution which they thus made to the success of this campaign.

"In connection with the publicity side of the campaign, the Committee wishes to express its indebtedness to J. J. Gibbons, Ltd., and the E. L. Ruddy Company, for the service which they rendered so capably, and without charge.

"Were the Committee to attempt to express its obligations to individuals, it would indeed be difficult to name the many patriotic citizens who have offered their services freely. The Chairmen of the Committees, the team Captains, and the individual collectors, in Toronto and throughout the Province, have all served as loyal citizens. They expect no thanks from this Committee, and yet the Committee itself feels indebted to these, down to the humblest school child, for without them the appeal would have been largely fruitless.

"In particular, mention should be made of the excellent work done by the Women's Committees, in Toronto and elsewhere. The women of the Province, through Women's Institutes, branches of the Canadian Red Cross Society and otherwise, have supported the appeal as a unit, and once again have demonstrated that in all humanitarian work the women of Ontario may be relied upon. To them the Central Committee is greatly indebted.

"With the women of the Province should be mentioned our schools—inspectors, principals, teachers and scholars. Never before has the machinery of our school system been used with such telling effect for any cause, and here in particular the Committee would express its thanks to the Acting Minister of Education, the Honourable G. H. Ferguson, for the strong circular letter which he addressed to every teacher in the Provincial system.

"Peculiar interest, too, attaches to the excellent work of the Boy Scouts, who, with the hearty approval of the Chief Scout for Canada, His Excellency the Duke of Connaught, and acting under instructions from the Provincial Council, placed themselves unreservedly at the disposal of the Central Committee in every part of the Province. From every place in which there is a troop the reports are the same. The boys worked as only those can who have a great cause at heart and are organized to do their bit.

"This statement would not be complete without special reference being made to the splendid way in which the Canadian Red Cross Society co-operated with this Committee, and with similar Committees in other Provinces, in bringing this appeal to the favorable attention of its branches throughout the whole of Canada. The members of the Red Cross Society in Ontario have worked in support of this appeal as heartily as if it had been the call of their own organization, and the response to the appeal is in no small measure due to the help given this Committee by the leaders of the Canadian Red Cross Society and of the St. John Ambulance Association.

"In thus expressing my personal thanks and the thanks of the Committee, I may also express my personal gratification at the wonderful response to this first appeal of the Motherland. It is indeed gratifying to have this fresh manifestation of the loyalty and affection of the people of Ontario to the great cause in which we are at this moment interested above all others.

"JOHN S. HENDRIE,
"*Lieutenant-Governor,*
"*Province of Ontario.*"

"GOVERNMENT HOUSE,
"Toronto, October 22nd, 1915.

This was sent to all the newspapers of the Province and to all committees of which we had any knowledge.

A word of explanation should be made concerning the amount of work entailed in the preparation of the present report. This explanation will at once make clear why the report could not be issued more promptly. In the first place, although many contributions were sent in promptly, many others were not, and, indeed, even now we know of certain municipalities which have money on hand which, although reported to us, has not been sent in in spite of many urgent letters and telegrams. In the second place, in many cases letters covering the contributions did not give us adequate information with regard to the source from which the money came, and we have had to write in some cases as many as four letters before reports were received from the municipalities. This can be said without unduly criticizing the municipal officers, because where the municipality was not organized as a unit the Clerk or the Reeve may not have received a report as to the contributions from the municipality. Consequently, it entailed a considerable amount of work in some cases to get the information for which we asked. However, when all of this is allowed for, we find that a paragraph in the last number of "Municipal Statistics," issued by the Government, is quite as applicable to this report as to the Government's Statistical Bulletin:—

"Even at this date many returns have not been received from municipal officers, and numerous letters in reference to errors and omissions remain unanswered. In these cases the latest data available have been given."

We have done the very best we could on the basis of the information which we had to make our report complete and exact, but we fear that in spite of our best efforts many municipalities will find that they are not credited with the full amount collected because some of the contributions, particularly those from schools and women's organizations, were sent through the Treasurer of the nearest city, town or village, and consequently reached this office as a contribution from the municipality sending it in rather than from the municipality in which the collections were actually made. For these errors we can assume no responsibility whatever, as we have done our very best to have the amounts transferred to the proper municipalities. It is only where the local municipal officers themselves have not taken sufficient interest in getting the exact information for us that any such errors will be found.

The following report shows the contributions from the Province of Ontario up to January 18th to be $1,488,168.11. In addition to this, $4,739 have been received from other Provinces of the Dominion. There was also contributed through the City of Toronto $3,150 to supply two motor ambulances. These ambulances were purchased by the Toronto Committee and were shipped to London in the last week of November. Six hundred and forty-five dollars and seventeen cents were paid out of the Toronto contributions at the request of the local representatives of the British Red Cross Society, for telegrams and cables sent out by them. Further, some of the municipalities made their contributions payable monthly or quarterly for a year—still others monthly for the duration of the war. These amounts will be received in due course by the Provincial Treasurer and sent to London. When all these various items are taken into account, the contribution sent through the Central Office for the Province of Ontario in response to the Trafalgar Day appeal will be found to have been as follows:—

Contribution from Ontario	$1,488,168 11	
Contribution from other Provinces	4,739 00	
Total amount received	$1,492,907 11	
Bank interest	84 98	
Total to be sent to British Red Cross		$1,492,992 09
Amounts received by Toronto Committee and paid out for British Red Cross as follows:—		
Purchased two motor ambulances	$3,150 00	
Telegram and cable account paid	645 17	
		3,795 17
		$1,496,787 26
Amounts subscribed but not received when our books were closed on January 18th, 1916:—		
Windsor	$12,000 00	
Township of Southwold	500 00	
" Rochester	900 00	
" Yonge and Escott Rear	100 00	
" Tay	450 00	
" Tossorontio	200 00	
" Gwillimbury North	900 00	
" Bastard and Burgess South	876 00	
Town of Sandwich	600 00	
County of Northumberland Teachers	800 00	
		17,326 00
Total contribution (part of which is estimated, as above)		$1.514,113 26

The following statement, showing the amounts received from municipalities and from various organizations in them, probably needs no explanation. The details given as to the source of the contributions were forced upon our attention. They certainly were not the result of any preconceived idea. When we found the school children, headed by their teachers and often assisted by the Trustees, taking part in the campaign so generally, there could be no question raised about giving them special credit for their work. The contributions from women's organizations as such were so numerous that it was seen soon after October 21st that they must have a special place in our report. Women's Institutes probably stand first in the number of their contributions, but the Daughters of the Empire, branches of the Canadian Red Cross Society and St. John Ambulance Association, Ladies' Aid Societies, Women's Patriotic Leagues, War Auxiliaries, Girl Guides, etc., were equally active, and, accordingly, it was decided to group under the heading "Women's Organizations" all contributions which reached us as a direct grant from such societies, as well as all those contributions of the citizens in general collected by women's organizations of whatever sort.

This report should not be closed without expressing the acknowledgments of the Secretary personally to His Honour, Sir John S. Hendrie, Chairman of the Committee; to Honourable W. H. Hearst and N. W. Rowell, Esq., Vice-Chairmen of the Committee; and to the Honourable T. W. McGarry, Treasurer. These gentlemen have shown their deep personal interest in the appeal not only by the fact that they were available at all times for consultation, but, perhaps even more, by the many helpful suggestions which they offered as to the conduct of the campaign.

To the Prime Minister and the Members of the Government, too much credit cannot possibly be given. Their thought from beginning to end was to institute a campaign which would secure a response from the Province of Ontario worthy alike of its wealth and loyalty. Your Secretary knows of nothing which they might have done to further the interests of the appeal which was not done, and his work has been made as easy as it could be by reason of the generous way in which his every suggestion was met and the hearty way in which any help requested was given.

ALBERT H. ABBOTT,
Secretary.

PARLIAMENT BUILDINGS,
January 19th, 1916.

Resolutions of Thanks.

At the final meeting of the Central Provincial Committee, which was held on February 1st, 1916, the following resolutions were adopted, and it was ordered that they be appended to the Secretary's report.

Moved by Sir John Gibson, seconded by Mr. N. W. Rowell, K.C., and unanimously resolved, that this Central Provincial Committee of the British Red Cross Fund expresses its gratitude to Sir John Hendrie, Lieutenant-Governor of Ontario, for his sound counsel in inaugurating the movement, his effective leadership throughout the campaign, his active attention to details and his judicious and inspiring appeals to committees and workers throughout the Province.

Moved by Sir John Gibson, seconded by Mr. Noel Marshall, and unanimously resolved, that this Central Provincial Committee of the British Red Cross Fund declares its gratitude for the faithful, unselfish and efficient services rendered by Dr. A. H. Abbott, without which no such perfect organization could have been effected and no such splendid results obtained.

MUNICIPALITY	Municipal Grant	DETAILS OF VOLUNTARY CONTRIBUTIONS			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
ALGOMA	.....	10 00	.....	.....	10 00	10 00	
Townships							
Coffin	.....	.....	.....	75 90	75 90	75 90	
Day & Bright	.....	2 35	.....	32 85	35 20	35 20	
Garden River	.....	.....	.....	48 99	48 99	48 99	
Jocelyn	100 00	.....	.....	.....	.....	100 00	
Johnson	.....	7 00	.....	95 00	102 00	102 00	
Korah	100 00	10 00	19 00	.....	29 00	129 00	
Laird	25 00	7 50	20 00	.....	27 50	52 50	
Lefroy	.....	11 75	.....	.....	11 75	11 75	
Macdonald & Meredith	.....	.....	.....	211 20	211 20	211 20	
Parkinson	.....	.....	.....	4 00	4 00	4 00	
Plummer add'l.	.....	.....	.....	144 50	144 50	144 50	
Prince	50 00	.....	.....	50 10	50 10	100 10	
St. Joseph	100 00	.....	.....	363 00	363 00	463 00	
Spragge	.....	30 00	.....	.....	30 00	30 00	
Tarbutt & Tarbutt add'l	25 00	.....	.....	71 00	71 00	96 00	
Tarentorus & Rankin	.....	.....	.....	34 50	34 50	34 50	
Thessalon	10 00	.....	.....	.....	.....	10 00	
Thompson	.....	3 10	.....	84 00	87 10	87 10	
Villages (unorganized).							
Nicholson Sdg.	.....	.....	.....	75 50	75 50	75 50	
White River	.....	.....	177 77	.....	177 77	177 77	
Towns							
Blind River	.....	.....	863 27	.....	863 27	863 27	
Bruce Mines	16 58	46 08	.....	437 34	483 42	500 00	
Steelton	.....	.....	.....	2 00	2 00	2 00	
Thessalon	.....	.....	.....	500 00	500 00	500 00	
City							
Sault Ste. Marie	.....	.....	132 74	1,006 00	1,138 74	1,138 74	
	426 58	127 78	1,212 78	3,235 88	4,576 44	5,003 02	5,003.02
BRANT	5,000 00	.....	.....	.....	.....	5,000 00	
Townships							
Brantford	500 00	3 50	95 00	916 49	1,014 99	1,514 99	
Burford	.....	46 00	275 00	157 90	478 90	478 90	
Dumfries S.	.....	79 02	.....	1,574 83	1,653 85	1,653 85	
Oakland	200 00	.....	8 00	102 50	110 50	310 50	
Onondaga	500 00	.....	.....	.....	.....	500 00	
Town							
Paris	300 00	.....	.....	2,714 60	2,714 60	3,014 60	
City							
Brantford	5,000 00	433 28	1,709 65	8,970 69	11,113 62	16,113 62	
	11,500 00	561 80	2,087 65	14,437 01	17,086 46	28,586 46	28,586.46
BRUCE	.....	.....	.....	.....	.....	.....	
Townships							
Albermarle	.....	6 24	.....	290 35	296 59	296 59	
Amabel	.....	.....	230 55	115 98	346 53	346 53	
Arran	400 00	.....	.....	.....	.....	400 00	
Brant	1,000 00	8 50	.....	142 75	151 25	1,151 25	
Bruce	500 00	.....	.....	11 00	11 00	511 00	
Carrick	.....	6 00	.....	87 00	93 00	93 00	
Culross	1,000 00	.....	.....	.....	.....	1,000 00	
Eastnor	.....	8 05	363 00	.....	371 05	371 05	
Elderslie	.....	.....	.....	1,025 70	1,025 70	1,025 70	
Greenock	.....	74 10	.....	768 80	842 90	842 90	

Municipality	Municipal Grant	Details of Voluntary Contributions			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Huron		41 00		1,359 82	1,400 82	1,400 82	
Kincardine	500 00					500 00	
Kinloss	750 00	2 00			2 00	752 00	
Lindsay		5 00		33 00	38 00	38 00	
St. Edmunds				121 00	121 00	121 00	
Saugeen				519 70	519 70	519 70	
Villages							
Hepworth				150 00	150 00	150 00	
Lucknow				2,000 00	2,000 00	2,000 00	
Paisley				507 61	507 61	507 61	
Port Elgin		21 55		996 45	1,018 00	1,018 00	
Tara				500 00	500 00	500 00	
Teeswater				516 29	516 29	516 29	
Tiverton	50 00			550 00	550 00	600 00	
Towns							
Chesley				1,078 22	1,078 22	1,078 22	
Kincardine				3,114 00	3,114 00	3,114 00	
Southampton				1,200 00	1,200 00	1,200 00	
Walkerton			50 00	2,208 29	2,258 29	2,258 29	
Wiarton	100 00			400 00	400 00	500 00	
	4,300 00	172 44	643 55	17,695 96	18,511 95	22,811 95	22,811.95
Carleton		216 50			216 50	216 50	
Townships							
Fitzroy	250 00	15 40	230 13		245 53	495 53	
Gloucester		7 10		50 00	57 10	57 10	
Goulburn	500 00	7 50		208 63	216 13	716 13	
Gower North			25 00	913 12	938 12	938 12	
Huntley	200 00	42 86		1,094 94	1,137 80	1,337 80	
March	200 00					200 00	
Marlborough				98 57	98 57	98 57	
Nepean	500 00					500 00	
Osgoode	300 00					300 00	
Torbolton	200 00	126 42			126 42	326 42	
Town							
Eastview			200 00		200 00	200 00	
Village							
Richmond				84 86	84 86	84 86	
Separate from County							
Ottawa (*City*)	10,000 00	1,155 50	65 00	35,739 78	36,960 28	46,960 28	
	12,150 00	1,571 28	520 13	38,189 90	40,281 31	52,431 31	52,431.31
Dufferin							
Townships							
Amaranth				1,010 41	1,010 41	1,010 41	
Garafraxa E.	250 00			18 25	18 25	268 25	
Luther E.				918 25	918 25	918 25	
Melancthon			25 00	50 00	75 00	75 00	
Mono		56 75	20 00		76 75	76 75	
Mulmur		21 00			21 00	21 00	
Village							
Shelburne				215 30	215 30	215 30	
Town							
Orangeville				688 95	688 95	688 95	
	250 00	77 75	45 00	2,901 16	3,023 91	3,273 91	3,273.91
Dundas							
Townships							
Matilda	500 00	6 50			6 50	506 50	
Mountain	100 00	34 60			34 60	134 60	
Williamsburg	200 00	3 30		70 55	73 85	273 85	
Winchester	500 00	5 25		23 00	28 25	528 25	

MUNICIPALITY	Municipal Grant	DETAILS OF VOLUNTARY CONTRIBUTIONS			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Villages							
Chesterville ...	237 25	160 00	3 00	.....	163 00	400 25	
Iroquois	.....	26 90	55 00	330 25	412 15	412 15	
Morrisburg	200 00	.....	.....	.....	.....	200 00	
	1,737 25	236 55	58 00	423 80	718 35	2,455 60	2,455.60
DURHAM	.....	.....	.....	.....	.....	.....	
Townships							
Cartwright	.....	95 05	.....	4 00	99 05	99 05	
Cavan	.....	.....	5 70	.....	5 70	5 70	
Clarke	.....	210 42	5 00	.....	215 42	215 42	
Darlington	100 00	278 01	.....	.....	278 01	378 01	
Manvers	100 00	176 93	22 25	114 55	313 73	413 73	
Villages							
Millbrook	.....	.....	.....	570 00	570 00	570 00	
Newcastle	.....	.....	.....	272 16	272 16	272 16	
Towns							
Bowmanville ..	.....	61 43	60 00	356 80	478 23	478 23	
Port Hope	1,000 00	173 84	595 66	218 75	988 25	1,988 25	
	1,200 00	995 68	688 61	1,536 26	3,220 55	4,420 55	4,420.55
ELGIN	.....	.....	.....	.....	.....	.....	
Townships							
Aldborough ...	.....	9 00	.....	1,333 39	1,342 39	1,342 39	
Bayham	.....	7 20	.....	.....	7 20	7 20	
Dunwich	.....	.....	20 00	1,435 94	1,455 94	1,455 94	
Malahide	1,000 00	.....	.....	.....	.....	1,000 00	
Southwold* ...	100 00	.....	.....	.....	.....	100 00	
Villages							
Dutton	.....	115 23	68 00	839 25	1,022 48	1,022 48	
Pt. Stanley ...	.....	.....	15 00	285 40	300 40	300 40	
Rodney	.....	8 50	50 00	206 15	264 65	264 65	
Springfield	25 00	26 36	.....	232 64	259 00	284 00	
West Lorne ...	.....	25 00	125 00	632 93	782 93	782 93	
Town							
Aylmer	.....	181 47	.....	2,082 19	2,263 66	2,263 66	
Separate from County							
St. Thomas (*City*)	1,717 25	628 85	1,291 35	1,362 55	3,282 75	5,000 00	
	2,842 25	1,001 61	1,569 35	8,410 44	9,974 20	13,823 65	13,823.65
ESSEX	.....	.....	.....	.....	.....	.....	
Townships							
Anderdon	100 00	.....	.....	.....	.....	100 00	
Colchester N. ...	200 00	.....	.....	.....	.....	200 00	
Colchester S. ..	200 00	.....	.....	1,050 00	1,050 00	1,250 00	
Gosfield N.	400 00	.....	.....	272 25	272 25	672 25	
Gosfield S.	200 00	.....	.....	1,122 00	1,122 00	1,322 00	
Malden	100 00	.....	.....	.....	.....	100 00	
Mersea	.....	.....	.....	1,740 66	1,740 66	1,740 66	
Pelee Island ..	100 00	.....	.....	.....	.....	100 00	
Rochester **	300 00	.....	.....	15 85	15 85	315 85	
Sandwich E. ...	200 00	.....	.....	.....	.....	200 00	
Sandwich S. ..	100 00	.....	.....	.....	.....	100 00	

*The Township of Southwold has made a grant to the British Red Cross Society of $50.00 a month until the end of the war—say $500 still to be paid.

** The Township of Rochester intends to continue the grant of $100.00 a month until the end of the war—say $900.00 still to be paid.

MUNICIPALITY	Municipal Grant	DETAILS OF VOLUNTARY CONTRIBUTIONS			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Sandwich W.	.....	5 00	.....	.....	5 00	5 00	
Tilbury N.	200 00	.....	.....	.....	.....	200 00	
Tilbury W.	200 00	.....	.....	782 80	782 80	982 80	
Villages							
Belle River	.....	.....	.....	333 52	333 52	333 52	
St. Clair Beach	.....	.....	.....	25 75	25 75	25 75	
Towns							
Amherstburg	250 00	.....	245 00	805 00	1,050 00	1,300 00	
Essex	100 00	53 50	25 00	.....	78 50	178 50	
Ford City	.....	.....	.....	18,750 00	18,750 00	18,750 00	
Kingsville	.....	.....	.....	712 00	712 00	712 00	
Leamington	.....	.....	.....	2,449 20	2,449 20	2,449 20	
Sandwich *	.....	12 00	.....	788 00	800 00	800 00	
Walkerville	.....	.....	.....	1,305 37	1,305 37	1,305 37	
Separate from County							
Windsor (*City*) **	.....	.....	100 00	8,000 00	8,100 00	8,100 00	
	2,650 00	70 50	370 00	38,152 40	38,592 90	41,242 90	41,242.90
FRONTENAC	.....	.....	.....	23 83	23 83	23 83	
Townships							
Barrie	50 00	.....	.....	.....	.....	50 00	
Bedford	100 00	.....	.....	110 00	110 00	210 00	
Clarendon & Miller	.....	.....	.....	140 00	140 00	140 00	
Hichinbrooke	100 00	1 00	.....	57 36	58 36	158 36	
Kennebec	100 00	.....	.....	.....	.....	100 00	
Kingston	.....	27 00	5 00	.....	32 00	32 00	
Loughborough	.....	135 02	160 72	36 00	331 74	331 74	
Oso	.....	6 00	.....	81 50	87 50	87 50	
Palmerston	100 00	.....	.....	.....	.....	100 00	
Pittsburg	250 00	23 70	.....	25 00	48 70	298 70	
Portland	100 00	18 50	.....	124 81	143 31	243 31	
Storrington	500 00	13 00	104 80	.....	117 80	617 80	
Wolfe Island	100 00	36 40	.....	5 00	41 40	141 40	
Villages							
Garden Island	20 00	.....	.....	.....	.....	20 00	
Portsmouth	50 00	11 23	.....	268 79	280 02	330 02	
Separate from County							
Kingston (*City*)	2,500 00	188 03	.....	3,480 95	3,668 98	6,168 98	
	3,970 00	459 88	270 52	4,353 24	5,083 64	9,053 64	9,053 64
GLENGARRY	.....	.....	.....	.....	.....	.....	
Townships							
Charlottenburg	.....	173 07	14 75	938 19	1,126 01	1,126 01	
Kenyon	.....	8 25	5 00	40 00	53 25	53 25	
Lancaster	139 00	.....	.....	862 00	862 00	1,001 00	
Lochiel	.....	6 25	.....	.....	6 25	6 25	
Village							
Lancaster	25 00	.....	.....	135 00	135 00	160 00	
Town							
Alexandria	.....	136 45	.....	836 65	973 10	973 10	
	164 00	324 02	19 75	2,811 84	3,155 61	3,319 61	3,319.61

* According to the subscriptions made an additional $600.00 should be paid during the year by Sandwich.

** According to subscriptions made Windsor expects to pay in $12,000 more during the year.

MUNICIPALITY	Municipal Grant	DETAILS OF VOLUNTARY CONTRIBUTIONS			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
GRENVILLE	.....	151 50	.....	.....	151 50	151 50	
Townships							
Augusta	500 00	11 50	.....	539 20	550 70	1,050 70	
Edwardsburg ..	.....	40 85	.....	442 62	483 47	483 47	
Gower S.	.....	56 20	.....	.....	56 20	56 20	
Oxford-on-Rideau	.....	16 50	.....	355 95	372 45	372 45	
Wolford	.....	.....	.....	558 50	558 50	558 50	
Villages							
Cardinal	.....	42 64	.....	665 20	707 84	707 84	
Kemptville	.....	30 00	.....	881 55	911 55	911 55	
Merrickville ..	.....	.....	.....	620 90	620 90	620 90	
Separate from County							
Prescott (*Town*)	.....	.....	.....	4,261 06	4,261 06	4,261 06	
	500 00	349 19	.....	8,324 98	8,674 17	9,174 17	9,174.17
GREY	.....	.....	.....	.....	.....	.....	
Townships							
Artemesia	.....	22 00	.....	715 38	737 38	737 38	
Bentinck	.....	16 70	.....	15 05	31 75	31 75	
Collingwood ...	.....	.....	.....	800 29	800 29	800 29	
Derby	500 00	.....	.....	.....	.....	500 00	
Egremont	.....	.....	.....	584 85	584 85	584 85	
Euphrasia	100 00	.....	.....	465 10	465 10	565 10	
Glenelg	400 00	29 50	.....	20 00	49 50	449 50	
Holland	300 00	41 02	91 60	.....	132 62	432 62	
Keppel	.....	1 50	.....	447 14	448 64	448 64	
Normanby	.....	3 85	.....	205 66	209 51	209 51	
Osprey	.....	.....	.....	600 00	600 00	600 00	
Proton	.....	16 35	.....	1,399 58	1,415 93	1,415 93	
St. Vincent ...	.....	.....	.....	11 17	11 17	11 17	
Sarawak	.....	.....	.....	155 50	155 50	155 50	
Sullivan	500 00	6 50	.....	55 50	62 00	562 00	
Sydenham	600 00	21 35	.....	14 15	35 50	635 50	
Villages							
Chatsworth ...	200 00	37 80	4 55	10 25	52 60	252 60	
Dundalk	.....	45 57	.....	675 75	721 32	721 32	
Flesherton	.....	.....	.....	147 20	147 20	147 20	
Markdale	300 00	25 13	52 50	178 50	256 13	556 13	
Neustadt	.....	10 00	.....	203 00	213 00	213 00	
Shallow Lake...	100 00	.....	.....	62 75	62 75	162 75	
Towns							
Durham	500 00	67 00	.....	19 00	86 00	586 00	
Hanover	.....	.....	.....	860 37	860 37	860 37	
Meaford	500 00	.....	18 00	37 00	55 00	555 00	
Owen Sound ..	5,000 00	.....	22 00	1,179 49	1,201 49	6,201 49	
Thornbury	400 00	.....	.....	100 00	100 00	500 00	
	9,400 00	344 27	188 65	8,962 68	9,495 60	18,895 60	18,895.60
HALDIMAND	.....	.....	.....	.....	.....	.....	
Townships.							
Canborough ...	.....	.....	.....	358 95	358 95	358 95	
Cayuga N.	.....	.....	155 00	.....	155 00	155 00	
Cayuga S.	.....	.....	.....	121 00	121 00	121 00	
Oneida	.....	.....	70 00	.....	70 00	70 00	
Seneca	.....	.....	.....	1,330 35	1,330 35	1,330 35	
Six Nations Reserve	.....	.....	.....	20 42	20 42	20 42	
Sherbrooke ...	.....	.....	.....	179 25	179 25	179 25	
Walpole	.....	17 75	17 50	381 50	416 75	416 75	

Municipality	Municipal Grant	Details of Voluntary Contributions			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Villages.							
Caledonia	100 00			618 30	618 30	718 30	
Cayuga				1,031 00	1,031 00	1,031 00	
Hagersville				1,475 51	1,475 51	1,475 51	
Jarvis		3 61		209 00	212 61	212 61	
Town.							
Dunnville			1,601 29		1,601 29	1,601 29	
	100 00	21 36	1,843 79	5,725 28	7,590 43	7,690 43	7,690 43
Haliburton.							
Townships.							
Anson and Hindon	25 00					25 00	
Cardiff		30 00		110 00	140 00	140 00	
Dysart, etc.	100 00	15 36	184 64		200 00	300 00	
Glamorgan				41 40	41 40	41 40	
Minden	25 00	5 60		241 63	247 23	272 23	
Monmouth	50 00	55 00			55 00	105 00	
Snowdon		9 00			9 00	9 00	
	200 00	114 96	184 64	393 03	692 63	892 63	892 63
Halton							
Townships.							
Esquesing			47 00		47 00	47 00	
Nassagaweya		7 65	77 60		85 25	85 25	
Nelson		123 60		37 00	160 60	160 60	
Trafalgar			42 30	102 25	144 55	144 55	
Villages.							
Acton		141 50			141 50	141 50	
Georgetown				63 00	63 00	63 00	
Towns.							
Burlington		228 14		1,897 86	2,126 00	2,126 00	
Milton		18 50		43 30	61 80	61 80	
Oakville	500 00	52 35		2,340 48	2,392 83	2,892 83	
	500 00	571 74	166 90	4,483 89	5,222 53	5,722 53	5,722.53
Hastings.							
Townships.							
Bangor, Wicklow & McClure	25 00			104 50	104 50	129 50	
Dungannon		37 16		24 00	61 16	61 16	
Elzevir & Grimsthorpe	50 00	1 00	65 00	85 00	151 00	201 00	
Faraday		21 65			21 65	21 65	
Hungerford	832 50	16 60		195 00	211 60	1,044 10	
Huntingdon		30 23		200 00	230 23	230 23	
Limerick		5 00			5 00	5 00	
Madoc	250 00	11 35			11 35	261 35	
Marmora & Lake	200 00	5 50		370 00	375 50	575 50	
Monteagle & Herschel		88 77		28 49	117 26	117 26	
Rawdon	300 00	352 30			352 30	652 30	
Sidney	300 00	5 19			5 19	305 19	
Thurlow		14 10			14 10	14 10	
Tudor & Cashel	100 00			111 50	111 50	211 50	
Tyendinaga	125 00	7 00	23 25	199 00	229 25	354 25	
Wollaston			25 00	210 00	235 00	235 00	
Villages.							
Bancroft				301 05	301 05	301 05	
Madoc	200 00	41 25	195 00	210 00	446 25	646 25	

Municipality	Municipal Grant	Details of Voluntary Contributions			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Marmora	.....	.....	.....	583 14	583 14	583 14	
Stirling	200 00	.....	.....	400 00	400 00	600 00	
Tweed	.....	.....	.....	770 96	770 96	770 96	
Deloro	.....	.....	.....	558 70	558 70	558 70	
Town.							
Deseronto	.....	28 50	.....	617 25	645 75	645 75	
Separate from County.							
Trenton (*Town*)	500 00	255 41	25 00	1,744 59	2,025 00	2,525 00	
Belleville (*City*)	300 00	.....	200 00	5,067 14	5,267 14	5,567 14	
	3,382 50	921 01	533 25	11,780 32	13,234 58	16,617 08	16,617 08
Huron	.....	300 00	.....	.....	300 00	300 00	
Townships.							
Ashfield	.....	.....	.....	1,165 10	1,165 10	1,165 10	
Colborne	500 00	.....	.....	.....	.....	500 00	
Goderich	1,000 00	6 80	.....	161 50	168 30	1,168 30	
Grey	1,400 00	10 00	.....	77 00	87 00	1,487 00	
Hay	500 00	18 23	.....	227 34	245 57	745 57	
Howick	500 00	.....	170 40	601 09	771 49	1,271 49	
Hullett	.....	1 27	25 00	741 85	768 12	768 12	
McKillop	500 00	.....	100 00	81 06	181 06	681 06	
Morris	250 00	7 00	.....	.....	7 00	257 00	
Stanley	.....	.....	.....	1,580 00	1,580 00	1,580 00	
Stephen	1,327 00	.....	.....	1,151 47	1,151 47	2,478 47	
Tuckersmith	2,000 00	.....	.....	1,009 30	1,009 30	3,009 30	
Turnberry	500 00	.....	.....	12 50	12 50	512 50	
Usborne	.....	.....	50 00	1,335,30	1,385 30	1,385 30	
Wawanosh E.	.....	5 00	.....	625 00	630 00	630 00	
Wawanosh W.	.....	.....	.....	859 05	859 05	859 05	
Villages.							
Bayfield	.....	.....	.....	215 00	215 00	215 00	
Blyth	.....	.....	.....	901 00	901 00	901 00	
Brussels	500 00	63 85	45 00	706 39	815 24	1,315 24	
Exeter	.....	.....	.....	1,926 00	1,926 00	1,926 00	
Hensall	.....	.....	.....	1,011 35	1,011 35	1,011 35	
Wroxeter	.....	.....	.....	311 90	311 90	311 90	
Towns.							
Clinton	48 28	.....	.....	951 72	951 72	1,000 00	
Goderich	1,000 00	.....	.....	2,535 18	2,535 18	3,535 18	
Seaforth	.....	.....	.....	3,964 76	3,964 76	3,964 76	
Wingham	2,000 00	.....	.....	4,400 00	4,400 00	6,400 00	
	12,025 28	412 15	390 40	26,550 86	27,353 41	39,378 69	39,378 69
Kenora	.....	.....	.....	.....	.....	.....	
Townships.							
Ignace	50 00	.....	.....	250 00	250 00	300 00	
Jaffray & Melick	10 00	.....	.....	5 00	5 00	15 00	
Machin	.....	.....	.....	10 00	10 00	10 00	
Van Horne	10 00	.....	.....	.....	.....	10 00	
Towns.							
Dryden	.....	.....	.....	141 71	141 71	141 71	
Eagle River	.....	23 35	.....	.....	23 35	23 35	
Keewatin	.....	25 00	.....	437 00	462 00	462 00	
Kenora	.....	.....	.....	1,029 10	1,029 10	1,029 10	
Sioux-Lookout	.....	.....	.....	68 77	68 77	68 77	
	70 00	48 35	.....	1,941 58	1,989 93	2,059 93	2,059.93

Municipality	Municipal Grant	Details of Voluntary Contributions			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Kent	500 00	.....	.....	.....	.....	500 00	
Townships.							
Camden	.....	14 65	.....	977 45	992 10	992 10	
Chatham	.....	40 50	220 85	62 64	323 99	323 99	
Dover	.....	27 04	.....	.....	27 04	27 04	
Harwich	250 00	97 54	43 45	250 00	390 99	640 99	
Howard	.....	.....	.....	1,072 25	1,072 25	1,072 25	
Orford	750 00	44 55	.....	9 50	54 05	804 05	
Raleigh	.....	22 98	382 60	19 36	424 94	424 94	
Romney	50 00	22 00	.....	.....	22 00	72 00	
Tilbury E.	.....	8 60	5 25	.....	13 85	13 85	
Zone	200 00	30 63	.....	.....	30 63	230 63	
Villages.							
Thamesville	.....	.....	.....	430 70	430 70	430 70	
Wheatley	.....	.....	.....	582 57	582 57	582 57	
Towns.							
Blenheim	500 00	2 75	50 00	275 00	327 75	827 75	
Bothwell	.....	10 80	.....	620 00	630 80	630 80	
Dresden	.....	.....	.....	791 95	791 95	791 95	
Ridgetown	.....	.....	.....	643 71	643 71	643 71	
Tilbury	100 00	.....	358 59	.....	358 59	458 59	
Wallaceburg	.....	.....	.....	247 00	247 00	247 00	
Separate from County							
Chatham (*City*)	.....	472 50	.....	5,983 91	6,456 41	6,456 41	
	2,350 00	794 54	1,060 74	11,966 04	13,821 32	16,171 32	16,171.32
Lambton	.....	.....	.....	.....	.....	.....	
Townships							
Bosanquet	500 00	143 00	.....	92 17	235 17	735 17	
Brooke	.....	27 00	.....	.....	27 00	27 00	
Dawn	.....	.....	.....	510 45	510 45	510 45	
Enniskillen	250 00	7 00	.....	.....	7 00	257 00	
Euphemia	.....	.....	.....	40 15	40 15	40 15	
Moore	.....	20 39	10 00	1,886 26	1,916 65	1,916 65	
Plympton	.....	.....	.....	861 20	861 20	861 20	
Sarnia	300 00	152 64	51 00	517 47	721 11	1,021 11	
Sombra	400 00	6 17	259 40	.....	265 57	665 57	
Warwick	1,000 00	5 00	.....	.....	5 00	1,005 00	
Villages							
Alvinston	.....	.....	.....	448 35	448 35	448 35	
Arkona	.....	.....	.....	261 18	261 18	261 18	
Courtright	.....	.....	.....	300 60	300 60	300 60	
Oil Springs	.....	21 00	.....	733 00	754 00	754 00	
Point Edward	25 00	45 80	.....	429 20	475 00	500 00	
Thedford	.....	.....	.....	150 00	150 00	150 00	
Watford	250 00	62 50	5 00	377 50	445 00	695 00	
Wyoming	.....	53 08	.....	189 00	242 08	242 08	
Towns.							
Forest	.....	42 58	449 22	78 95	570 75	570 75	
Petrolea	1,000 00	67 84	.....	345 86	413 70	1,413 70	
Separate from County							
Sarnia (*City*)	.....	167 52	35 00	10,569 48	10,772 00	10,772 00	
	3,725 00	821 52	809 62	17,790 82	19,421 96	23,146 96	23,146.96
Lanark	.....	.....	.....	.....	.....	.....	
Townships.							
Bathurst	500 00	7 80	.....	.....	7 80	507 80	
Beckwith	100 00	.....	.....	.....	.....	100 00	
Burgess N.	200 00	.....	.....	.....	.....	200 00	

MUNICIPALITY	Municipal Grant	DETAILS OF VOLUNTARY CONTRIBUTIONS			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Dalhousie & Sherbrooke N.	.....	15 00	169 60	5 00	189 60	189 60	
Drummond	.....	2 00	.....	673 75	675 75	675 75	
Elmsley N. ...	.....	12 60	.....	10 25	22 85	22 85	
Lanark	100 00	13 68	.....	380 42	394 10	494 10	
Lavant	46 50	.....	.....	54 50	54 50	101 00	
Montague	100 00	20 65	.....	.....	20 65	120 65	
Pakenham	500 00	.....	.....	.....	.....	500 00	
Ramsay	500 00	4 60	.....	103 75	108 35	608 35	
Sherbrooke S..	.....	.....	.....	325 00	325 00	325 00	
Village.							
Lanark	.....	20 45	.....	794 45	814 90	814 90	
Towns.							
Almonte	300 00	20 65	401 25	309 86	731 76	1,031 76	
Carleton Place.	.....	.....	.....	1,560 10	1,560 10	1,560 10	
Perth	1,000 00	103 25	50 00	60 00	213 25	1,213 25	
Separate from County.							
Smith's Falls (*Town*).....	200 00	.....	.....	2,489 40	2,489 40	2,689 40	
	3,546 50	220 68	620 85	6,766 48	7,608 01	11,154 51	11,154.51
LEEDS	.....	.....	.....	.....	.....	.....	
Townships.							
Crosby N.	.....	2 50	.....	123 25	125 75	125 75	
Elizabethtown .	1,000 00	5 75	112 36	.....	118 11	1,118 11	
Kitley	.....	.....	314 34	.....	314 34	314 34	
Leeds & Lansdowne, Front..	400 00	14 50	.....	.....	14 50	414 50	
Leeds & Lansdowne, Rear .	.....	19 16	.....	721 11	740 27	740 27	
Yonge, Front...	.....	.....	.....	50 75	50 75	50 75	
Yonge & Escott Rear*	100 00	.....	.....	110 00	110 00	210 00	
Villages							
Athens	100 00	.....	.....	214 37	214 37	314 37	
Newboro	.....	.....	.....	157 07	157 07	157 07	
Westport	.....	13 00	.....	.....	13 00	13 00	
Town.							
Gananoque	.....	25 00	.....	1,095 32	1,120 32	1,120 32	
Separate from .. County.							
Brockville (*Town*).....	1,000 00	.....	2,668 39	.....	2,668 39	3,668 39	
	2,600 00	79 91	3,095.09	2,471.87	5,646 87	8,246 37	8,246.87
LENNOX & ADDINGTON.	.....	.....	.....	.....	.....	.....	
Townships.							
Adolphustown .	.....	.....	102 50	150 00	252 50	252 50	
Amherst Island	.....	.....	.....	200 00	200 00	200 00	
Camden E.	500 00	.....	10 00	.....	10 00	510 00	
Denbigh, Abinger and A. ..	100 00	.....	.....	.....	.....	100 00	
Ernestown	100 00	.....	461 83	.....	461 83	561 83	
Fredericksburg S.	200 00	.....	.....	.....	.....	200 00	
Kaladar, Anglesea & E....	50 00	.....	.....	.....	.....	50 00	
Richmond	.....	.....	171 00	39 75	210 75	210 75	
Sheffield	100 00	11 11	20 63	125 00	156 74	256 74	

*The Township Council made a grant of $200.00. There is still $100.00 to be paid in.

MUNICIPALITY	Municipal Grant	DETAILS OF VOLUNTARY CONTRIBUTIONS			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Village.							
Bath				123 00	123 00	123 00	
Town.							
Napanee			56 50	1,814 94	1,871 44	1,871 44	
	1,050 00	11 11	822 46	2,452 69	3,286 26	4,336 26	4,336.26
LINCOLN							
Townships.							
Caistor		12 25	50 00	400 00	462 25	462 25	
Clinton		16 53		998 00	1,014 53	1,014 53	
Gainsborough		6 00		519 22	525 22	525 22	
Grantham	150 00			350 00	350 00	500 00	
Grimsby N.	200 00			947 80	947 80	1,147 80	
Grimsby S.		18 55	500 00	35 00	553 55	553 55	
Louth	500 00	88 50			88 50	588 50	
Niagara	200 00	70 76			70 76	270 76	
Villages.							
Beamsville		38 00		781 60	819 60	819 60	
Grimsby	250 00			550 00	550 00	800 00	
Merritton				1,509 18	1,509 18	1,509 18	
Port Dalhousie				400 00	400 00	400 00	
Town.							
Niagara				2,226 81	2,226 81	2,226 81	
Separate from County.							
St. Catharines (*City*)			323 00	11,227 68	11,550 68	11,550 68	
	1,300 00	250 59	873 00	19,945 29	21,068 88	22,368 88	22,368.88
MANITOULIN.							
Townships.							
Allan				24 50	24 50	24 50	
Assiginack				434 00	434 00	434 00	
Barrie Island				25 00	25 00	25 00	
Billings	200 00		23 00	184 25	207 25	407 25	
Burpee				29 50	29 50	29 50	
Carnarvon	375 00					375 00	
Gordon		21 10		191 70	212 80	212 80	
Howland		5 00			5 00	5 00	
Mills				102 00	102 00	102 00	
Sandfield			25 00		25 00	25 00	
Sheguindah				46 10	46 10	46 10	
Tehkummah	100 00			9 25	9 25	109 25	
Towns.							
Gore Bay				627 14	627 14	627 14	
Little Current				250 24	250 24	250 24	
	675 00	26 10	48 00	1,923 68	1,997 78	2,672 78	2,672.78
MIDDLESEX.							
Townships.							
Adelaide	500 00	10 25		735 55	745 80	1,245 80	
Biddulph	1,000 00			200 00	200 00	1,200 00	
Caradoc	500 00	30 20		244 08	274 28	774 28	
Delaware				815 75	815 75	815 75	
Dorchester N.		30 00	30 00	1,815 31	1,875 31	1,875 31	
Ekfrid	534 00		15 00	42 10	57 10	591 10	
Lobo	500 00					500 00	
London	500 00			3,423 91	3,423 91	3,923 91	
McGillivray	500 00	9 00			9 00	509 00	
Metcalfe	500 00	11 45		15 00	26 45	526 45	

Municipality	Municipal Grant	Details of Voluntary Contributions: Schools	Women's Organizations	General Contributions	Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Mosa	.....	13 00	.....	56 38	69 38	69 38	
Nissouri W.	500 00	.....	.....	1,323 25	1,323 25	1,823 25	
Westminster	500 00	.....	.....	759 11	759 11	1,259 11	
Williams E.	.....	.....	.....	700 15	700 15	700 15	
Villages.							
Ailsa Craig	.....	.....	.....	892 85	892 85	892 85	
Glencoe	200 00	6 81	60 00	423 48	490 29	690 29	
Lucan	500 00	.....	.....	.....	.....	500 00	
Newbury	.....	4 40	26 00	215 60	246 00	246 00	
Wardsville	.....	.....	.....	500 15	500 15	500 15	
Towns.							
Parkhill	.....	58 70	.....	792 70	851 40	851 40	
Strathroy	1,500 00	96 59	157 40	420 16	674 15	2,174 15	
Separate from County.							
London (*City*)	5,000 00	.....	.....	66,449 51	66,449 51	71,449 51	
	12,734 00	270 40	288 40	79,825 04	80,383 84	93,117 84	93,117.84
Muskoka.	.....	.....	.....	.....	.....	.....	
Townships.							
Brunel	50 00	.....	.....	54 00	54 00	104 00	
Cardwell	25 00	8 00	.....	.....	8 00	33 00	
Chaffey	50 00	.....	.....	139 60	139 60	189 60	
Draper	.....	4 75	.....	.....	4 75	4 75	
Freeman	.....	.....	.....	25 50	25 50	25 50	
McLean & Ridout	20 00	4 00	.....	154 93	158 93	178 93	
Macaulay	50 00	65	.....	.....	65	50 65	
Medora & Wood	50 00	11 25	.....	551 00	562 25	612 25	
Monck	.....	.....	.....	351 82	351 82	351 82	
Muskoka	.....	.....	.....	166 85	166 85	166 85	
Oakley	20 00	.....	.....	10 00	10 00	30 00	
Ryde	50 00	.....	.....	.....	.....	50 00	
Stephenson	125 00	5 00	.....	298 05	303 05	428 05	
Stisted	25 00	.....	.....	.....	.....	25 00	
Watt	50 00	122 35	5 00	.....	127 35	177 35	
Village.							
Port Carling	.....	.....	30 00	200 00	230 00	230 00	
Towns.							
Bala	.....	7 00	25 00	270 25	302 25	302 25	
Bracebridge	.....	.....	.....	1,400 88	1,400 88	1,400 88	
Gravenhurst	.....	2 75	.....	1,542 57	1,545 32	1,545 32	
Huntsville	.....	.....	.....	1,375 00	1,375 00	1,375 00	
	515 00	165 75	60 00	6,540 45	6,766 20	7,281 20	7,281.20
Nipissing.	.....	.....	.....	.....	.....	.....	
Townships.							
Bonfield	.....	1 00	.....	.....	1 00	1 00	
Caldwell	50 00	.....	.....	.....	.....	50 00	
Calvin	.....	10 12	.....	150 23	160 35	160 35	
Cameron	.....	.....	.....	11 60	11 60	11 60	
Cane	.....	7 40	.....	.....	7 40	7 40	
Chisholm	.....	.....	.....	122 10	122 10	122 10	
Clergue	.....	.....	115 50	.....	115 50	115 50	
Dunnett	.....	2 00	.....	.....	2 00	2 00	
Ferris	.....	2 75	.....	40 00	42 75	42 75	
Hutton	.....	.....	21 00	.....	21 00	21 00	
Papineau	50 00	.....	.....	.....	.....	50 00	
Springer	100 00	.....	.....	.....	.....	100 00	
Teefy	.....	.....	.....	72 00	72 00	72 00	

MUNICIPALITY	Municipal Grant	DETAILS OF VOLUNTARY CONTRIBUTIONS			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Walker			66 00		66 00	66 00	
Widdifield	50 00	3 35	5 70	3 00	12 05	62 05	
Towns.							
Cache Bay	200 00			700 00	700 00	900 00	
Mattawa	200 00			156 30	156 30	356 30	
North Bay		529 98	1,151 55	6,842 00	8,523 53	8,523 53	
Porquis Jct.			90 80		90 80	90 80	
Sturgeon Falls	400 00			2,121 08	2,121 08	2,521 08	
Swastika		7 00			7 00	7 00	
	1,050 00	563 60	1,450 55	10,218 31	12,232 46	13,282 46	13,282.46
NORFOLK.							
Townships.							
Charlotteville	200 00	4 00	50 00	176 50	230 50	430 50	
Houghton	500 00	68 17			68 17	568 17	
Middleton	500 00					500 00	
Townsend				1,149 20	1,149 20	1,149 20	
Walsingham N.	500 00	14 10		464 24	478 34	978 34	
Walsingham S.	350 00	42 00	48 00	1 00	91 00	441 00	
Windham				765 80	765 80	765 80	
Woodhouse	350 00		24 50		24 50	374 50	
Villages.							
Delhi		44 00		557 21	601 21	601 21	
Pt. Dover				603 02	603 02	603 02	
Pt. Rowan	100 00	23 00	55 88	275 25	354 13	454 13	
Waterford				1,300 00	1,300 00	1,300 00	
Town.							
Simcoe	1,000 00	219 43	125 00	3,780 57	4,125 00	5,125 00	
	3,500 00	414 70	303 38	9,072 79	9,790 87	13,290 87	13,290.87
NORTHUMBERLAND.							
Townships.							
Alnwick			15 00	430 00	445 00	445 00	
Brighton				1,049 55	1,049 55	1,049 55	
Cramahe				1,115 85	1,115 85	1,115 85	
Haldimand		92 00		1,511 42	1,603 42	1,603 42	
Hamilton		13 51		1,621 07	1,634 58	1,634 58	
Monaghan S.		26 91		23 09	50 00	50 00	
Murray				1,450 51	1,450 51	1,450 51	
Percy		16 55		1,500 00	1,516 55	1,516 55	
Seymour				4,000 00	4,000 00	4,000 00	
Villages.							
Brighton				2,612 36	2,612 36	2,612 36	
Colborne			50 00		50 00	50 00	
Hastings	200 00		16 35		16 35	216 35	
Towns							
Campbellford				1,158 23	1,158 23	1,158 23	
Cobourg				6,453 13	6,453 13	6,453 13	
	200 00	148 97	81 35	22,925 21	23,155 53	23,355 53	23,355.53
ONTARIO.							
Townships.							
Brock	1,500 00	35 75			35 75	1,535 75	
Mara	1,000 00	2 48	63 70		66 18	1,066 18	
Pickering	2,000 00	53 05	92 55	30 00	175 60	2,175 60	
Rama	100 00	139 81			139 81	239 81	
Reach		10 50		1,473 50	1,484 00	1,484 00	
Scott			25 00	1,742 66	1,767 66	1,767 66	
Scugog		1 00		324 00	325 00	325 00	
Thorah			42 20	245 46	287 66	287 66	

Municipality	Municipal Grant	Details of Voluntary Contributions			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Uxbridge	300 00	3 50	.....	.....	3 50	303 50	
Whitby	.....	24 00	.....	1,721 25	1,745 25	1,745 25	
Whitby E.	100 00	2 50	.....	.....	2 50	102 50	
Villages.							
Beaverton	.....	.....	.....	1,103 50	1,103 50	1,103 50	
Cannington	.....	24 05	.....	1,438 65	1,462 70	1,462 70	
Pt. Perry	.....	36 85	.....	419 28	456 13	456 13	
Towns.							
Oshawa	250 00	189 84	.....	6,002 79	6,192 63	6,442 63	
Uxbridge	.....	12 00	.....	9 75	21 75	21 75	
Whitby	.....	55 53	1,737 40	7 00	1,799 93	1,799 93	
	5,250 00	590 86	1,960 85	14,517 84	17,069 55	22,319 55	22,319.55
Oxford.	.....	50 00	.....	.....	50 00	50 00	
Townships.							
Blandford	500 00	.....	105 00	27 00	132 00	632 00	
Blenheim	1,600 00	37 70	260 00	56 25	353 95	1,953 95	
Dereham	1,600 00	.....	25 00	22 00	47 00	1,647 00	
Nissouri E.	500 00	16 00	170 00	.....	186 00	686 00	
Norwich N.	880 00	4 60	49 05	.....	53 65	933 65	
Norwich S.	500 00	84 75	.....	100 20	184 95	684 95	
Oxford E.	1,000 00	1 15	.....	.....	1 15	1,001 15	
Oxford N.	250 00	.....	.....	.....	.....	250 00	
Oxford W.	200 00	.....	.....	.....	.....	200 00	
Zorra E.	1,000 00	34 28	.....	66 37	100 65	1,100 65	
Zorra W.	500 00	9 00	.....	5 00	14 00	514 00	
Villages.							
Embro	250 00	.....	25 00	530 82	555 82	805 82	
Norwich	.....	.....	1,276 85	.....	1,276 85	1,276 85	
Tavistock	.....	35 50	.....	128 00	163 50	163 50	
Towns.							
Ingersoll	1,095 06	.....	.....	5,343 25	5,343 25	6,438 31	
Tillsonburg	760 00	.....	.....	2 00	2 00	762 00	
Separate from County.							
Woodstock (*City*)	3,517 00	.....	130 00	2,704 30	2,834 30	6,351 30	
	14,152 06	272 98	2,040 90	8,985 19	11,299 07	25,451 13	25,451.13
Parry Sound.	.....	.....	.....	.....	.....	.....	
Townships.							
Armour	400 00	116 00	.....	.....	116 00	516 00	
Chapman	100 00	68 75	.....	25 00	93 75	193 75	
Christie	.....	.....	.....	37 30	37 30	37 30	
Croft	.....	.....	60 00	.....	60 00	60 00	
Hagarman	70 00	.....	.....	.....	.....	70 00	
Himsworth N.	.....	40 28	50 00	511 14	601 42	601 42	
Humphrey	.....	.....	.....	400 00	400 00	400 00	
Lount	.....	5 00	19 00	.....	24 00	24 00	
McConkey & Wilson	.....	8 00	.....	.....	8 00	8 00	
McDougall	.....	95 45	.....	120 00	215 45	215 45	
McKellar	.....	6 65	.....	116 45	123 10	123 10	
McMurrich	.....	.....	.....	247 59	247 59	247 59	
Mills	.....	.....	22 20	.....	22 20	22 20	
Nipissing	.....	.....	.....	70 10	70 10	70 10	
Perry	.....	16 60	.....	324 40	341 00	341 00	
Pringle	.....	14 00	.....	6 00	20 00	20 00	
Ryerson	400 00	120 00	1 00	19 52	140 52	540 52	
Spence	.....	2 00	.....	.....	2 00	2 00	
Wallbridge	.....	12 12	.....	.....	12 12	12 12	

Municipality	Municipal Grant	Details of Voluntary Contributions			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Villages.							
Burk's Falls	.....	33 75	.....	1,126 87	1,160 62	1,160 62	
South River	25 00	.....	.....	308 40	308 40	333 40	
Sundridge	.....	.....	.....	125 00	125 00	125 00	
Towns.							
Kearney	.....	.....	.....	121 00	121 00	121 00	
Parry Sound	.....	142 00	.....	3,061 59	3,203 59	3,203 59	
Powassan	25 00	30 00	5 00	173 00	208 00	233 00	
Trout Creek	50 00	3 25	75 00	.....	78 25	128 25	
	1,070 00	713 85	232 20	6,793 36	7,739 41	8,809 41	8,809.41
Peel	.....	.....	.....	.....	.....	.....	
Townships							
Albion	.....	143 11	.....	2 00	145 11	145 11	
Caledon	.....	2 93	106 81	.....	109 74	109 74	
Chinguacousy	200 00	47 50	.....	.....	47 50	247 50	
Toronto	.....	18 40	464 00	.....	482 40	482 40	
Toronto Gore	125 00	.....	.....	.....	.....	125 00	
Villages							
Bolton	.....	10 10	.....	434 63	444 73	444 73	
Port Credit	.....	.....	.....	162 00	162 00	162 00	
Streetsville	.....	16 40	.....	268 25	284 65	284 65	
Town							
Brampton	.....	.....	.....	1,000 00	1,000 00	1,000 00	
	325 00	238 44	570 81	1,866 88	2,676 13	3,001 13	3,001.13
Perth	.....	.....	.....	.....	.....	.....	
Townships							
Blanshard	1,000 00	.....	.....	.....	.....	1,000 00	
Downie	500 00	30 75	10 00	10 00	50 75	550 75	
Easthope North	500 00	22 70	.....	23 00	45 70	545 70	
Easthope South	200 00	16 90	.....	.....	16 90	216 90	
Ellice	182 00	109 81	.....	213 19	323 00	505 00	
Elma	1,000 00	29 17	.....	34 25	63 42	1,063 42	
Fullarton	1,000 00	.....	.....	.....	.....	1,000 00	
Hibbert	1,000 00	22 94	.....	.....	22 94	1,022 94	
Logan	1,000 00	.....	.....	.....	.....	1,000 00	
Mornington	500 00	.....	40 00	.....	40 00	540 00	
Wallace	1,000 00	16 17	.....	.....	16 17	1,016 17	
Village							
Milverton	.....	.....	.....	1,573 56	1,573 56	1,573 56	
Towns							
Listowel	500 00	20 01	.....	40 00	60 01	560 01	
Mitchell	500 00	.....	.....	886 80	886 80	1,386 80	
Separate from County							
St. Mary's (*Town*)	.....	.....	.....	4,084 82	4,084 82	4,084 82	
Stratford (*City*)	.....	627 00	580 00	14,920 74	16,127 74	16,127 74	
	8,882 00	895 45	630 00	21,786 36	23,311 81	32,193 81	32,193.81
Peterborough	.....	468 30	.....	.....	468 30	468 30	
Townships							
Asphodel	900 00	.....	.....	374 00	374 00	1,274 00	
Belmont & Methuen	223 80	.....	.....	8 50	8 50	232 30	
Burleigh & Anstruther	25 00	.....	11 50	98 75	110 25	135 25	
Chandos	25 00	.....	5 00	65 50	70 50	95 50	
Dummer	.....	83 50	.....	5 00	88 50	88 50	
Ennismore	.....	.....	.....	140 00	140 00	140 00	

Municipality	Municipal Grant	Details of Voluntary Contributions: Schools	Women's Organizations	General Contributions	Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Galway & Cavendish	.....	.....	.....	100 15	100 15	100 15	
Harvey	200 00	.....	.....	.....	.....	200 00	
Monaghan N.	900 00	.....	.....	.....	.....	900 00	
Otonabee	.....	.....	25 00	3,000 00	3,025 00	3,025 00	
Smith	1,692 13	16 55	20 00	.....	36 55	1,728 68	
Villages							
Havelock	400 00	.....	.....	113 00	113 00	513 00	
Lakefield	200 00	.....	67 86	998 45	1,066 31	1,266 31	
Norwood	268 27	37 70	105 00	545 50	688 20	956 47	
Separate from County							
Peterborough (*City*)	5,000 00	30 00	25 00	286 50	341 50	5,341 50	
	9,834 20	636 05	259 36	5,735 35	6,630 76	16,464 96	16,464.96
Prescott	.....	.....	.....	.....	.....	.....	
Townships							
Alfred	100 00	3 00	.....	.....	3 00	103 00	
Caledonia	100 00	.....	.....	5 00	5 00	105 00	
Hawkesbury W.	250 00	.....	.....	.....	.....	250 00	
Longueuil	100 00	.....	.....	.....	.....	100 00	
Village							
L'Orignal	.....	.....	.....	271 95	271 95	271 95	
Towns							
Hawkesbury	300 00	115 00	.....	.....	115 00	415 00	
Vankleek Hill	.....	17 65	50 00	505 00	572 65	572 65	
	850 00	135 65	50 00	781 95	967 60	1,817 60	1,817.60
Prince Edward	3,000 00	.....	.....	.....	.....	3,000 00	
Townships							
Ameliasburg	.....	287 67	10 00	37 18	334 85	334 85	
Athol	.....	.....	.....	226 25	226 25	226 25	
Hallowell	.....	.....	.....	326 15	326 15	326 15	
Hillier	.....	1 50	.....	.....	1 50	1 50	
Sophiasburg	100 00	.....	.....	.....	.....	100 00	
Villages							
Bloomfield	.....	.....	.....	350 00	350 00	350 00	
Wellington	100 00	54 50	.....	213 20	267 70	367 70	
Town							
Picton	.....	.....	.....	917 35	917 35	917 35	
	3,200 00	343 67	10 00	2,070 13	2,423 80	5,623 80	5,623.80
Rainy River	.....	.....	.....	.....	.....	.....	
Townships							
Alberton	50 00	.....	.....	4 00	4 00	54 00	
Blue	150 00	.....	.....	.....	.....	150 00	
Chapple	200 00	.....	.....	.....	.....	200 00	
Dilke	25 00	.....	.....	119 00	119 00	144 00	
Emo	.....	8 60	.....	625 00	633 60	633 60	
Lash	.....	3 00	.....	.....	3 00	3 00	
McIrvine	.....	.....	.....	60 25	60 25	60 25	
Morley & Patullo	.....	51 06	10 00	138 94	200 00	200 00	
Worthington	.....	.....	.....	72 40	72 40	72 40	
Towns							
Atikokan	.....	30 00	.....	.....	30 00	30 00	
Fort Frances	.....	.....	307 55	3,416 01	3,723 56	3,723 56	

Municipality	Municipal Grant	Details of Voluntary Contributions: Schools	Women's Organizations	General Contributions	Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Osaquan				74 00	74 00	74 00	
Rainy River		25 00	59 25		84 25	84 25	
	425 00	117 66	376 80	4,509 60	5,004 06	5,429 06	5,429.06
Renfrew							
Townships							
Algona N.		3 65			3 65	3 65	
Alice & Fraser		80		859 30	860 10	860 10	
Bagot & Blythfield				249 65	249 65	249 65	
Bromley		2 30		46 00	48 30	48 30	
Brougham	100 25					100 25	
Grattan				130 50	130 50	130 50	
Griffith & Matawatchan				60 50	60 50	60 50	
Head, Maria & Clara				109 92	109 92	109 92	
McNab				454 95	454 95	454 95	
Radcliffe	50 00					50 00	
Raglan				7 00	7 00	7 00	
Rolph, Buchanan & Wylie				110 50	110 50	110 50	
Ross			26 45	542 75	569 20	569 20	
Sherwood, Jones & Burns	100 00	8 00		87 00	95 00	195 00	
Stafford	200 00	18 00			18 00	218 00	
Westmeath		30 72		826 82	857 54	857 54	
Wilberforce		21 75		30 00	51 75	51 75	
Villages							
Cobden	100 00					100 00	
Eganville			100 00		100 00	100 00	
Towns							
Arnprior	1,000 00	182 49	50 00	85 00	317 49	1,317 49	
Pembroke	2,000 00	39 06		40 00	79 06	2,079 06	
Renfrew				6,222 79	6,222 79	6,222 79	
	3,550 25	306 77	176 45	9,862 68	10,345 90	13,896 15	13,896.15
Russell							
Townships							
Clarence	300 00					300 00	
Cumberland	500 00					500 00	
Russell	55 00		145 00		145 00	200 00	
Town							
Rockland	25 00	135 50			135 50	160 50	
	880 00	135 50	145 00		280 50	1,160 50	1,160.50
Simcoe							
Townships							
Adjala				602 00	602 00	602 00	
Essa	1,000 00		7 50	664 07	671 57	1,671 57	
Flos	1,500 00			189 49	189 49	1,689 49	
Gwillimbury W.		14 35		1,700 00	1,714 35	1,714 35	
Innisfil		36 80	5 00	1,190 75	1,232 55	1,232 55	
Medonte	300 00	5 00		20 00	25 00	325 00	
Nottawasaga			20 00	594 39	614 39	614 39	
Orillia			27 00	123 00	150 00	150 00	
Oro		57 83		96 80	154 63	154 63	
Sunnidale		54 75		997 25	1,052 00	1,052 00	
Tay*	150 00	91 60	360 00	20 00	471 60	621 60	

* The Township Council made a grant of $50 a month for one year—$450 is still to be paid in.

Municipality	Municipal Grant	Details of Voluntary Contributions			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Tecumseh	.....	122 17	10 00	760 95	893 12	893 12	
Tiny	.....	13 20	.....	821 56	834 76	834 76	
Tossorontio*	.....	.....	200 00	1,500 00	1,700 00	1,700 00	
Vespra	100 00	27 15	385 46	27 00	439 61	539 61	
Villages							
Beeton	100 00	.....	.....	406 00	406 00	506 00	
Bradford	.....	24 70	.....	975 30	1,000 00	1,000 00	
Coldwater	.....	.....	.....	364 10	364 10	364 10	
Creemore	.....	20 44	.....	340 00	360 44	360 44	
Tottenham	100 00	.....	.....	314 68	314 68	414 68	
Victoria Harbor	100 00	67 18	.....	832 82	900 00	1,000 00	
Towns							
Alliston	200 00	80 00	.....	620 00	700 00	900 00	
Barrie	.....	.....	.....	4,854 07	4,854 07	4,854 07	
Collingwood	1,511 05	.....	3 50	491 95	495 45	2,006 50	
Midland	1,000 00	66 49	25 00	31 00	122 49	1,122 49	
Orillia	.....	.....	.....	3,000 00	3,000 00	3,000 00	
Penetanguishene	.....	.....	.....	1,200 00	1,200 00	1,200 00	
Stayner	.....	.....	.....	55 00	55 00	55 00	
	6,061 05	681 66	1,043 46	22,792 18	24,517 30	30,578 35	30,578.35
Stormont	.....	.....	.....	.....	.....	.....	
Townships.							
Cornwall	.....	.....	.....	838 35	838 35	838 35	
Finch	.....	.....	.....	105 98	105 98	105 98	
Osnabruck	100 00	9 10	33 25	.....	42 35	142 35	
Roxborough	100 00	29 65	.....	50 00	79 65	179 65	
Village							
Finch	.....	2 50	.....	97 50	100 00	100 00	
Town							
Cornwall	100 00	134 15	25 00	1,645 45	1,804 60	1,904 60	
	300 00	175 40	58 25	2,737.28	2,970 93	3,270 93	3,270.93
Sudbury	.....	.....	.....	.....	.....	.....	
Townships.							
Chapleau	.....	.....	.....	1,650 00	1,650 00	1,650 00	
Cosby & Mason	20 00	.....	.....	2 50	2 50	22 50	
Drury, Denison & Graham	300 00	.....	.....	440 81	440 81	740 81	
Hagar	50 10	.....	.....	.....	.....	50 10	
Hallam	.....	5 00	50 00	.....	55 00	55 00	
Levack	.....	4 50	.....	99 20	103 70	103 70	
Martland	25 00	.....	.....	15 00	15 00	40 00	
Merritt	.....	.....	.....	305 00	305 00	305 00	
Nairn	100 00	54 10	.....	303 46	357 56	457 56	
Neelon & Garson	.....	.....	.....	500 00	500 00	500 00	
Salter, May & Harrow	200 00	.....	.....	.....	.....	200 00	
Snider	.....	.....	.....	440 00	440 00	440 00	
Towns.							
Copper Cliff	.....	46 60	.....	3,222 40	3,269 00	3,269 00	
Massey	500 00	.....	.....	60 00	60 00	560 00	
Sudbury	2,500 00	41 54	445 00	.....	486 54	2,986 54	
Webbwood	.....	.....	.....	510 20	510 20	510 20	
	3,695 10	151 74	495 00	7,548 57	8,195 31	11,890 41	11,890.41

* $200 more has been subscribed in Tossorontio and will be forwarded as paid in.

MUNICIPALITY	Municipal Grant	DETAILS OF VOLUNTARY CONTRIBUTIONS			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
THUNDER BAY.							
Townships.							
Conmee	25 00			25 00	25 00	50 00	
McIntyre		1 00			1 00	1 00	
Neebing	100 00					100 00	
Nipigon				80 75	80 75	80 75	
O'Connor		3 00			3 00	3 00	
Oliver	100 00		24 50		24 50	124 50	
Paipoonge	100 00	2 90		111 00	113 90	213 90	
Schreiber		30 00		670 00	700 00	700 00	
Shuniah	150 00					150 00	
Cities.							
Fort William			2,687 91	50 00	2,737 91	2,737 91	
Port Arthur			10 25	2,860 00	2,870 25	2,870 25	
	475 00	36 90	2,722 66	3,796 75	6,556 31	7,031 31	7,031.31
TIMISKAMING.							
Townships.							
Bucke				276 08	276 08	276 08	
Casey	51 30	2 30		48 70	51 00	102 30	
Chamberlain	10 00					10 00	
Coleman				3,069 15	3,069 15	3,069 15	
Dymond	50 00					50 00	
Evanturel	8 40			106 00	106 00	114 40	
Harley			54 15	12 80	66 95	66 95	
Harris				130 50	130 50	130 50	
Hilliard				52 00	52 00	52 00	
Hudson	100 00	10 00		4 00	14 00	114 00	
James				320 88	320 88	320 88	
Kerns				218 75	218 75	218 75	
Tisdale	200 00	124 22		299 00	423 22	623 22	
Towns.							
Charlton	25 00			118 88	118 88	143 88	
Cobalt				1,792 07	1,792 07	1,792 07	
Cochrane	500 00			250 00	250 00	750 00	
Englehart				689 00	689 00	689 00	
Haileybury	300 00	50 30		649 70	700 00	1,000 00	
Latchford				58 00	58 00	58 00	
Matheson		15 00	25 00	460 00	500 00	500 00	
New Liskeard				1,557 87	1,557 87	1,557 87	
Timmins	500 00			194 00	194 00	694 00	
	1,744 70	201 82	79 15	10,307 38	10,588 35	12,333 05	12,333.05
VICTORIA.							
Townships.							
Bexley			213 72	54 30	268 02	268 02	
Carden				97 00	97 00	97 00	
Eldon				1,710 00	1,710 00	1,710 00	
Emily				798 76	798 76	798 76	
Fenelon		7 33		735 95	743 28	743 28	
Laxton, etc.				4 70	4 70	4 70	
Mariposa			78 60	2,508 90	2,587 50	2,587 50	
Somerville	50 00	5 43	37 00	50 00	92 43	142 43	
Verulam				263 95	263 95	263 95	
Villages.							
Bobcaygeon				500 00	500 00	500 00	
Fenelon Falls				192 81	192 81	192 81	
Omemee				1,065 00	1,065 00	1,065 00	
Sturgeon Point	50 00					50 00	
Woodville				400 00	400 00	400 00	

Municipality	Municipal Grant	Details of Voluntary Contributions: Schools	Women's Organizations	General Contributions	Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Town.							
Lindsay	250 00			2,361 00	2,361 00	2,611 00	
	350 00	12 76	329 32	10,742 37	11,084 45	11,434 45	11,434.45
Waterloo.							
Townships.							
Dumfries, N.	1,000 00			119 00	119 00	1,119 00	
Waterloo	3,000 00					3,000 00	
Wellesley	500 00	2 48	25 00	553 60	581 08	1,081 08	
Wilmot	4,000 00	27 35			27 35	4,027 35	
Woolwich	1,000 00	42 45	18 00	158 75	219 20	1,219 20	
Villages							
Ayr		37 17		775 58	812 75	812 75	
Elmira				841 07	841 07	841 07	
New Hamburg		30 00	105 00	2,113 70	2,248 70	2,248 70	
Towns.							
Hespeler	2,000 00			1,200 00	1,200 00	3,200 00	
Preston	5,000 00					5,000 00	
Waterloo				4,262 16	4,262 16	4,262 16	
Separate from County.							
Berlin (*City*)	20,000 00			1,265 66	1,265 66	21,265 66	
Galt (*City*)				7,000 00	7,000 00	7,000 00	
	36,500 00	139 45	148 00	18,289 52	18,576 97	55,076 97	55,076.97
Welland.							
Townships.							
Bertie		267 10	105 50	727 40	1,100 00	1,100 00	
Crowland	500 00	5 00	11 50		16 50	516 50	
Humberstone	500 00	46 05			46 05	546 05	
Pelham	500 00					500 00	
Stamford	1,000 00		329 85		329 85	1,329 85	
Thorold	500 00		102 11	42 00	144 11	644 11	
Wainfleet	300 00			65 80	65 80	365 80	
Willoughby	100 00	7 00	25 50		32 50	132 50	
Villages.							
Bridgeburg	117 00		212 65	686 60	899 25	1,016 25	
Chippawa	100 00	8 00		13 00	21 00	121 00	
Humberstone				343 10	343 10	343 10	
Port Colborne			782 59		782 59	782 59	
Towns.							
Thorold		67 77		3,556 34	3,624 11	3,624 11	
Welland	2,500 00			217 00	217 00	2,717 00	
Separate from County.							
Niagara Falls (*City*)				6,400 80	6,400 80	6,400 80	
	6,117 00	400 92	1,569 70	12,052 04	14,022 66	20,139 66	20,139.66
Wellington.	1,000 00	87 25			87 25	1,087 25	
Townships.							
Arthur	500 00					500 00	
Eramosa				1,032 70	1,032 70	1,032 70	
Erin		82 10			82 10	82 10	
Garafraxa West			3 00	810 00	813 00	813 00	
Guelph	400 00	19 15			19 15	419 15	
Luther West	500 00	6 00			6 00	506 00	
Maryborough				1,004 80	1,004 80	1,004 80	
Minto	400 00					400 00	
Nichol	500 00	6 55			6 55	506 55	
Peel	400 00					400 00	

Municipality	Municipal Grant	Details of Voluntary Contributions			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Pilkington	600 00	.....	.....	.....	.....	600 00	
Puslinch	500 00	30 00	.....	813 40	843 40	1.343 40	
Villages.							
Arthur	.....	60 23	10 00	.....	70 23	70 23	
Clifford	.....	49 45	.....	583 40	632 85	632 85	
Drayton	.....	.....	.....	810 05	810 05	810 05	
Elora	50 00	21 50	.....	1,633 00	1,654 50	1,704 50	
Erin	.....	.....	.....	700 00	700 00	700 00	
Fergus	500 00	163 55	25 00	2,521 45	2.710 00	3.210 00	
Towns.							
Harriston	.....	162 00	.....	1,327 75	1.489 75	1.489 75	
Mount Forest ..	.....	.....	.....	1,200 00	1.200 00	1.200 00	
Palmerston	.....	63 00	.....	1,146 85	1.209 85	1.209 85	
Separate from County.							
Guelph (*City*) ..	5,000 00	15 08	35 00	3,787 89	3,835 97	8,835 97	
	10,350 00	763 86	73 00	17,371 29	18,208 15	28,558 15	28,558.15
Wentworth.	.....	.....	.....	.....	.....	.....	
Townships.							
Ancaster	1,000 00	27 08	.....	6 00	33 08	1,033 08	
Barton	100 00	.....	.....	.....	.....	100 00	
Beverley	.....	41 80	108 50	1,006 50	1,156 80	1.156 80	
Binbrook	1,000 00	.....	.....	4 00	4 00	1,004 00	
Flamboro E. ...	1,000 00	.....	.....	.....	.....	1,000 00	
Flamboro W. ..	500 00	.....	.....	103 00	103 00	603 00	
Glanford	350 00	7 00	.....	.....	7 00	357 00	
Saltfleet	500 00	73 45	50 00	.....	123 45	623 45	
Village.							
Waterdown. ...	200 00	15 00	.....	.....	15 00	215 00	
Town.							
Dundas	1.000 00	69 13	.....	1,369 10	1.438 23	2.438 23	
Separate from County.							
Hamilton (*City*)	.....	3222 96	140 50	53,216 30	56,579 76	56,579 76	
	5,650 00	3,456 42	299 00	55,704 90	59,460 32	65,110 32	65,110.32
York.	.....	.....	.....	.....	.....	.....	
Townships.							
Etobicoke	.....	359 33	.....	2,940 67	3,300 00	3,300 00	
Georgina	.....	.....	.....	1,209 95	1,209 95	1.209 95	
Gwillimbury E..	.....	.....	.....	1,910 93	1.910 93	1.910 93	
King	.....	.....	.....	1,461 44	1,461 44	1.461 44	
Markham	3.000 00	9 75	205 38	.....	215 13	3.215 13	
Scarborough ...	.....	.....	.....	1,995 47	1.995 47	1,995 47	
Vaughan	200 00	23 95	.....	2,076 05	2.100 00	2,300 00	
Whitchurch ...	.....	64 35	103 25	.....	167 60	167 60	
York	.....	525 27	.....	8.999 38	9.524 65	9.524 65	
Villages.							
Holland Landing	.....	.....	.....	110 40	110 40	110 40	
Markham	.....	.....	75 00	1,168 33	1,243 33	1,243 33	
Mimico	10 00	300 00	.....	1,605 00	1,905 00	1,915 00	
New Toronto ..	.....	.....	.....	755 48	755 48	755 48	
Richmond Hill..	.....	103 43	.....	961 57	1,065 00	1,065 00	
Stouffville	.....	.....	.....	1,525 00	1,525 00	1.525 00	
Sutton W.	.....	22 60	40 00	300 00	362 60	362 60	
Woodbridge	.....	.....	300 00	943 00	1,243 00	1.243 00	

Municipality	Municipal Grant	Details of Voluntary Contributions			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
Towns.							
Aurora	.....	20 65	46 00	817 55	884 20	884 20	
Leaside	100 00	.....	.....	166 05	166 05	266 05	
Newmarket	.....	279 25	.....	3,292 16	3,571 41	3,571 41	
Weston	.....	320 45	.....	3,486 60	3,807 05	3,807 05	
Separate from County.							
Toronto (*City*)*	50,000 00	28,034 27	23,740 11	437,098 95	488,873 33	538,873 33	
	53,310 00	30,063 30	24,509 74	472,823 98	527,397 02	580,707 02	580,707.02
Newfoundland,**							
I.O.D.E.	.....	.....	10 00	.....	10 00	10 00	
Prince Edward Is.							
I.O.D.E.	.....	.....	25 00	.....	25 00	25 00	
Nova Scotia,							
I.O.D.E.	.....	.....	125 00	.....	125 00	125 00	
Quebec,							
I.O.D.E.	.....	.....	2,025 25	.....	2,025 25	2,025 25	
Manitoba							
I.O.D.E.	.....	.....	595 00	.....	595 00	615 00	
Girl Guides	.....	.....	20 00	.....	20 00		
Saskatchewan							
Can. Red Cross Soc.	.....	.....	13 00	.....	13 00	13 00	
Alberta							
I.O.D.E.	.....	.....	380 30	.....	380 30	510 30	
Can. Red Cross.	.....	.....	130 00	.....	130 00		
British Columbia							
I.O.D.E.	.....	.....	490 00	.....	490 00	950 45	
Can. Red Cross.	.....	.....	460 45	.....	460 45		
Yukon							
I.O.D.E.	.....	.....	465 00	.....	465 00	465 00	
	.....	.....	4,739 00	.....	4,739 00	4,739 00	4,739.00

* In addition to the above $538,873.33 cash receipts, the following amounts should be credited to the City of Toronto:—

Contributions for two Motor Ambulances, which have been shipped	$3,150 00
Contributions to cover telegrams and cables for British Red Cross Society...	645 17
	$3,795 17

This makes Toronto's total contribution $542,668.50.

The Toronto Campaign Committee also received $2,730.80 from schools, etc., outside the city. This amount has been credited in this report to the municipalities from which the various contributions came.

** The above contributions marked I.O.D.E. were received through the Head Office National Chapter of Canada of the Imperial Order Daughters of the Empire, and forwarded to London by His Honour, Sir John Hendrie, the Lieutenant-Governor. In addition to these, Mrs. John Bruce, the Treasurer for the National Chapter, sent us $5,319.03 from Ontario Chapters and $63.84 from Ontario schools. These amounts have been credited in this Report to the municipalities from which they came.

In addition to the amounts received through the National Chapter, various Chapters of the Daughters of the Empire in Ontario sent $612.65 direct to the British Red Cross office.

MUNICIPALITY	Municipal Grant	DETAILS OF VOLUNTARY CONTRIBUTIONS			Total Voluntary Contributions	Total Contributions Grant + Voluntary Contributions	Total Contributions for Counties
		Schools	Women's Organizations	General Contributions			
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	
MISCELLANEOUS							
Anonymous				21 12	21 12	21 12	
Hay St. Joseph R.C., S.S. No. 1		2 63			2 63	2 63	
Loftus Sun. Sch.		5 50			5 50	5 50	
Parliamentary Special Train, Can. Northern Railway				560 00	560 00	560 00	
Friend				2 00	2 00	2 00	
		8 13		668 10	676 23	676 23	676.23

Total Contributions	$1.492.907.11
Bank Interest	84.98
Total amount to be sent to London	$1,492.992.09

SUMMARY

Total of Municipal Grants	$ 273,584 72
" from Schools	52,475 03
" " Women's Organizations	62,825 06
" General Contributions	1,104,022 30
Total Contributions	1.492,907 11
Bank Interest	84 98
GRAND TOTAL	$1,492,992 09

REPORT

OF THE

Monteith Demonstration Farm

1915

(PUBLISHED BY THE ONTARIO DEPARTMENT OF AGRICULTURE)

PRINTED BY ORDER OF

THE LEGISLATIVE ASSEMBLY OF ONTARIO

TORONTO:
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1916

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TORONTO

To His Honour Sir John Strathearn Hendrie, C.V.O., a Lieutenant-Colonel in the Militia of Canada, etc., etc., etc.,

Lieutenant-Governor of the Province of Ontario.

May it Please Your Honour:

I have the honour to present the Report of the Monteith Demonstration Farm for 1915.

James S. Duff,

Minister of Agriculture.

Toronto, 1916.

Monteith Farm Buildings.

Pure Red Clover in Coil on Monteith Farm.

MONTEITH DEMONSTRATION FARM.

1915.

To the Honourable the Minister of Agriculture:

SIR:

I have the honour to submit herewith the 1915 Report of the Monteith Demonstration Farm.

I am pleased to state that the work of the past year has been of a progressive character, and that the results should be of special value to the pioneer farmers of the north.

The demonstrations here have been carried on in a practical way under field conditions. Our Annual Demonstration Day was held on August 12th, when upwards of 1,500 people visited the Farm. Paths were made around and through the crops and people could be seen on all parts of the Farm looking over and studying the various demonstrations. During the day 2,500 lunchés and six barrels of coffee were served free of charge.

The weather conditions for the year have been very favourable, and heavy yields of grain could be seen everywhere throughout Timiskaming. It is true we had wet weather in the fall, and much fall plowing was left undone on this account, but here we saw the value of growing early varieties of grain, especially oats. When early varieties are grown it gives the farmer a much better opportunity to get his fall work started in good time. Moreover, early varieties give the young clover a better chance to attain some size before the cold weather sets in. Early varieties are shorter in the straw, and thus it is much easier to get dry, and the result is a better sample of grain. The men who grew early varieties had ample time to harvest their crops under almost ideal conditions.

FIELD CROPS.

FALL WHEAT.

In the fall of 1914 three varieties of fall wheat were sown. This included Dawson's Golden Chaff, Winter King and Golden Jewel. The Dawson's Golden Chaff was divided into two plots, one plot with seed produced in Old Ontario while the other was sown with seed produced here on the Farm. Of the three varieties the Golden Chaff appeared to be slightly in the lead.

The home grown seed was apparently the best of all, yet very little difference could be seen. In all cases the sample was decidedly good. The kernels were large and plump. The average yield over the four plots was approximately thirty bushels per acre.

SPRING WHEAT.

We also tried a number of varieties of spring wheat, namely,—Marquis, Prelude, Red Fife, White Fife, and Goose. In general appearance of the standing

crop the Red Fife seemed to take the lead. But the Fifes being long in the straw are late in maturing, and the Marquis and Prelude were earlier. The Prelude was fully two weeks earlier than any of the other varieties, and thus it was the only one that escaped the frost which came in August. It has a small head and is a poor yielder. We intend trying the Marquis another year. We are led to think that spring wheats are a little too late for this section. Our spring wheats have been frosted two successive years while our fall wheat has always done well.

Spring Rye.

We tried some spring rye and found that it did very well with a fair yield. It matured about the same time as the Prelude wheat.

O.A.C. No. 21 Barley.

In the year of 1914 we had an exceptionally large yield of O.A.C. No. 21 barley. This year we had only a small field in barley. It was sown on spring

Dawson's Golden Chaff Wheat, from home-grown seed.

plowing with the result that it was not uniformly good. It was at least all that we could expect from spring plowing. However, in threshing we found that the yield was nearly fifty bushels per acre, and the sample very good indeed. We had some other barley that came up in the clover, where barley had been grown the previous year. This was exceptionally good, with large long plump heads. This was carefully harvested and is being kept for seed.

Peas.

Peas do well over the whole north country, but some varieties go too much to straw, with the result that they are often caught with the frost. We tried the Golden Vine and the Early Britain; both yielded well, but were not quite ripe when the frost came. Another year we intend to try the Prince Albert, the Marrowfat and Sippinaw. Some of these varieties ripened well north of Matheson. When peas are mixed with oats we find that they mature better than when sown alone.

Oats.

Only three varieties of oats were tried this year. The O.A.C. No. 72, the O.A.C. No. 3, and Garton's Record. The main crop on the Farm was the O.A.C. No. 72. It is a rather late oat, and while it matured here the year before we were a little doubtful whether it would do so again. It did splendidly here again, this year giving a large yield and standing up well all over the field.

Being a late variety, we had considerable difficulty in harvesting this oat. The straw is long and heavy, and takes considerable time to dry after being cut. In this way most of it was caught in the rainy weather, which started about September 15th.

The O.A.C. No. 3 was sown last and matured nearly two weeks earlier than either of the other varieties. We intend sowing it on a larger scale another year. We also tested the Garton's Record oat. It was sent into Timiskaming last year

The O.A.C. No. 72 Oats in Shock at Monteith.

by the Government and it did very well here on the Farm this year, being a little earlier than the O.A.C. No. 72. The three varieties together averaged approximately 60 bushels per acre.

Treating Oats for Smut.

Practically all of our oats were treated for smut. We used formalin and water, one pint to 40 gallons. The bags of grain were immersed in a barrel of the solution for twenty minutes then spread out on a clean floor to dry, care being taken that the grain did not become re-infected after treating. The untreated portions of the field could readily be detected by an ordinary observer. It was variously estimated that the yield from the untreated seed was fully twenty per cent. less than the same grain treated.

Thickness of Seeding Oats.

Experiments to thickness of seeding were tried out, some being sown at the rate of two bushels per acre, some at two and a half and some at three

bushels per acre. These were all side by side in the same field. From all appearances there was little or no difference. We have decided, however, to sow our main crop next year at the rate of two and a half bushels per acre and make another similar test.

Grain Mixtures.

We mixed oats and peas at the rate of two bushels of oats to one of peas. This mixture did remarkably well. The sample was particularly good, and the yield was over seventy-five bushels per acre.

Common Red Clover.

We had one eighteen acre field of pure red clover which had been seeded in barley and oats the year before. It did exceedingly well. In looking the field over early in the spring one could not find the slightest indication of winter killing. This field yielded three tons of cured hay to the acre in the first cutting. The second growth was plowed under.

Sowing Red Clover Mixture.

The young clover sown in the spring with the grain came along well, but did not look as strong in the fall as in previous years. It was sown at different rates, ranging from ten to twenty pounds to the acre. We mixed twelve pounds of common red clover seed with three pounds of alsike and five of timothy. This was sown mostly at the rate of eighteen pounds per acre. In several places we reduced this amount by about a half. This will be interesting to watch another year.

Sowing Grass Seed in Forty Acres of Slashing.

Some red clover was sown on the shallow snow in April on new land that had been slashed and burned. It was a splendid catch, and provided considerable pasture in the late summer. Only two weeks later (after the snow had all gone) we seeded some thirty acres more of this same slashing, but no trace of the seed could be seen anywhere. As this experiment was carried out on a large scale, we believe that clover and grass seed of any kind should be sown on the shallow snow rather than in the mud or dry ground.

Some sweet clover was sown on the farm this year and the catch was fairly good. We hope to try this clover for ensilage for our silo another year. This sweet clover will be mixed with other clover, and possibly green oats and peas.

Alfalfa.

We have sown a few more acres to alfalfa. Part of the seed was secured from Alberta and part from Old Ontario. This kind of forage crops has done very well here on the farm so far, some of it going under the snow for the fourth time. We also produced some alfalfa seed this year.

Roots.

Of all crops in the north, roots seem to take the lead. Yet many crops of poor roots were seen throughout the district. This was owing to the fact that the ground had not been properly prepared. The ground should be well plowed in the fall and manured, if possible, with coarse strawy manure. A heavy applica-

tion of manure, together with fall plowing, helps to open the clay and make it more pliable and porous. We had three patches of turnips this year sown at different times. Those that were sown first were the best. The best patch yielded very well, with nearly 1,000 bushels per acre by weight.

Potatoes.

We plowed our ground up well in the fall, and in the spring it was thoroughly cultivated to a depth of about five inches. We then plowed our potatoes in just as shallow as we could, but even so we buried them too deep and many of them never came up at all. Another year we intend to ridge up our potato ground in the fall. Some of them will be planted with a hoe on top of the drill, while others will be placed in a furrow.

Farm Visitors Standing in Oats Sown at the Rate of 2½ Bushels per Acre.

In all we had fourteen experiments in potatoes, including six different varieties. Taking last year into consideration with this we found that the Early Eureka and the Empire State were the two leading varieties.

Our potato seed was all cut, leaving at least two strong eyes in each set. In cutting potatoes we make use of an apple barrel, a butcher knife, and a narrow strip of a board. The strip is tacked on top of the barrel, the knife is run from the bottom up through the strip and the potatoes are shoved through the knife. The operator, using a pair of heavy gloves, finds this a particularly easy way of cutting potatoes.

Cultivation.

In the fall of 1914 we conducted several experiments in plowing, using different plows. The single-disc plow, the deep-tilling disc plow, the single plow without a skimmer and the single plow with a skimmer were all used in the same field. According to our judgment the walking plow with a skimmer excelled in every case. Riding plows and plows with wheels are not very satisfactory in new

land, and it is very doubtful whether they are as good in any land. We intend to dispose of both of ours in favor of the single plow.

We do nearly all our plowing in the fall, and we plow as deeply as we can, rarely ever less than six inches, and sometimes even eight and nine. If the black muck is thick we always try to turn up an inch or two of clay on top to mix with it. If the plow jumps out or nearly out, we stop the team, back up and make another try.

We begin plowing as soon after harvest as we can, and then if we have time we ridge this up again later on. By ridging the ground more surface is exposed to the action of the frost and thus the soil is made more open and porous. In this way we can easily make a soft, mellow seed bed in the spring.

We had forty-five acres under cultivation for crop production, and on this we harvested the following crop:—

Land Clearing. To cut the underbush and stump, this land cost $20 per acre.

	1915. bush.	1914. bush.
Fall Wheat	30	65
Spring Wheat and Mixed Crop	50	50
Peas	15	27
Oats and Peas mixed	55	..
Barley, O.A.C. No. 21	50	200
Oats	900	350
Total	1,100	692
Turnips	1,500	300
Parsnips	50	..
Carrots	20	..
Potatoes	30	150
Total	1,600	450
	Tons.	Tons.
Red Clover Hay	50	28
Alfalfa Hay	2	2
Straw	20	7

LIVE STOCK.

Cattle.

We have five pure-bred Shorthorn cows on the Farm which made such a creditable showing at the pail that we have entered them in the R. O. P. test. We expect that each cow will give considerably over five thousand pounds of milk in a year, and two of them have already given more than that in six months, thus we feel that they have done very well indeed for Shorthorns.

Experiments on the Farm indicate that here in the north country, where the best kinds of feed are not always readily available, more and better calves are raised when they are dropped after the cows have been on the grass for a few weeks at least. We try to have all our cows freshened between the first of June and the last of October. Generally speaking, a cow will give more milk when she calves in the fall than if she calves at any other time of year.

Potatoes Growing Fifty Miles West of Cochrane.

Table Showing Calf Gains.

Name of Calf.	Pounds gained in 128 days.	Average daily gain in pounds.
Monteith Primrose	220	1.72
Monteith Irene	277	2.16
Monteith Rose	301	2.35
Monteith Duke	345	2.70

These four calves were born in the late spring after the cows had been on grass for a little while. They were fed by hand on fresh milk and green alfalfa hay, with fresh water available at all times. They were kept in the stable in a bright, clean box-stall away from the flies, and sprayed daily during fly season. Towards fall we began to add a little bran and chopped oats to the rations, and later on we added a fairly liberal amount of pulped turnips.

During the year three pure-bred Shorthorn bulls were sent out from the Farm to Live Stock Associations. Our imported dairy Shorthorn stock bull has not only bred our own cows, but his services have extended over the district as far as eight and ten miles in each direction. Over forty cows were bred to this sire for the nominal fee of fifty cents each.

Horses.

Our imported mare was worked regularly in the bush last winter, and this spring she worked right along in the team until June 1st. On July 6th she produced a fine, big, strong foal weighing 148 pounds when dropped. He lived and has done well.

	Weight of Colt. Lbs.	Weekly gain in pounds. Lbs.
At birth	148	..
First week	172	24
Second week	195	23
Third week	218	23
Fourth week	244	26

Average gain per day 3.42 pounds, or about twenty-five pounds a week.

Although the mare worked during almost the whole of her gestation period, she was always well cared for and never at any time abused. The foal was taught to lead on the halter before he was a week old. He was led out with the mare when she went to the paddock.

The Clydesdale stallion kept at the Farm was travelled during the season by the Matheson Pure-Bred Live Stock Association. About forty members belong to this Association, and practically every member bred one or more mares. This stallion has been highly satisfactory in every way.

Sheep.

We have fifteen Shropshire sheep on the Farm. They were turned out in the slashing early in the spring and remained there until the middle of November. They received no extra attention at all, although they were given some salt regularly.

The average yield of wool for two years has been ten pounds each.

Swine.

We have no hog pens on the Farm as yet, and have not gone into hog raising very extensively. During the year we sold to settlers in the district six pure-bred Yorkshire boars and twelve pure-bred Yorkshire sows. They were sold at $5 each, and with them the settlers received a pedigree. Each purchaser was under a written agreement that he would keep his pig for at least two years for breeding purposes only. This stock was distributed all the way from New Liskeard to Cochrane.

Our imported stock boar was loaned to the Matheson Live Stock Association for the summer. During this time he was made the sire of a large number of young pigs. This should make a marked difference in the stock at Matheson.

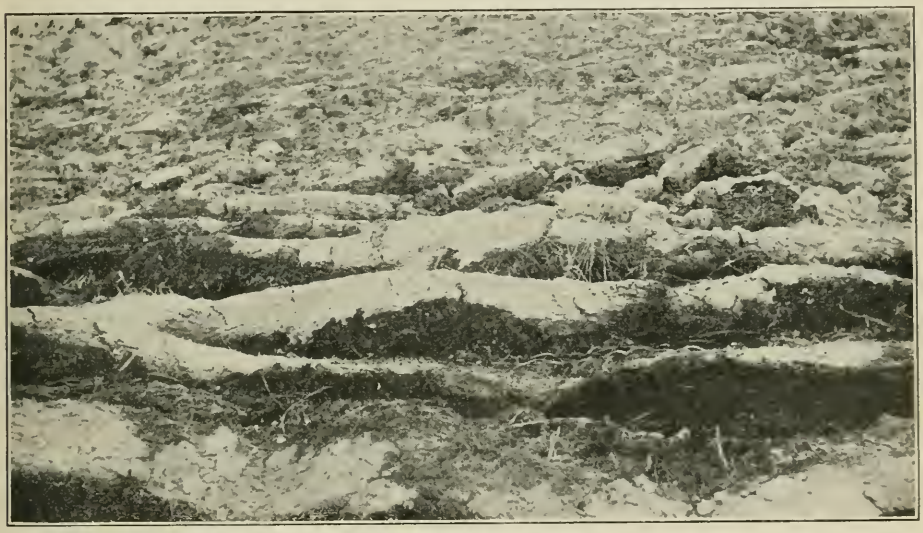
Most of the settlers throughout the district have not got good hog pens, and yet many of them are trying to raise two litters of pigs a year, with the result that their losses are very heavy. It would appear that the best time to have a sow farrow is in June, as in this way the young pigs have attained some size before the cold weather sets in in the fall.

Poultry.

Our new breed called the New Ontarios seem remarkably well fitted to stand our northern climate. We keep an accurate account of all feed consumed and of all eggs and young stock produced during the year. In summing up we found that each hen made us a net revenue of $1.25. For some reason we had difficulty in hatching chickens, very many of the eggs being infertile. This new breed is large and heavy, with a small pea comb, white feathers and yellow legs. They lay a nice brown egg.

Bees.

Our bees were packed away outdoors in the fall. Three hives were placed together and well-dried sawdust to a depth of six inches packed around them. The entrance was pretty well closed, but kept free from snow all winter, as otherwise



Breaking Virgin Soil, showing Black Muck and Clay Formations.

they might have smothered. They came out well in the spring, and the best hive was put on a scale and weights taken every night and morning all summer. This hive gathered over two hundred pounds of honey during the season.

Month.	Pounds of honey gathered.
	lbs.
June	28½
July	91½
August	68½
September	28
Total for season of 1915	216½

This same hive gathered one hundred and forty pounds of honey during 1914. Making a total of 356 pounds in two seasons.

FARM ACCOUNTING.

Beginning November 1st, 1914, we started a system of farm accounting. We did this in order to find out the actual cost of production. Each man makes out a daily report of what he has done, and hands this in at the office each Monday morning. All these reports are put together, and the number of hours spent on each job are put on record in a large book kept for the purpose. Thus we are in a position to tell exactly what each job costs. For instance, with the snow almost three feet deep we started work in the bush on January 24th with the following results:—

Cows in Pasture.

NINE ACRES OF GREEN BUSH.

Cost of	Logs 22,642 feet	Pulp 30 cords	Wood 50 cords	Total
Cutting	$36 88	$37 33	$28 77	$102 98
Skidding	28 58	31 24	11 82	71 64
Hauling	17 28	20 59	10 83	48 70
Making Roads	2 72	2 72	2 72	8 16
Slashing Refuse				28 77
Repairs				5 35
Total	$85 46	$91 88	$54 14	$265 60

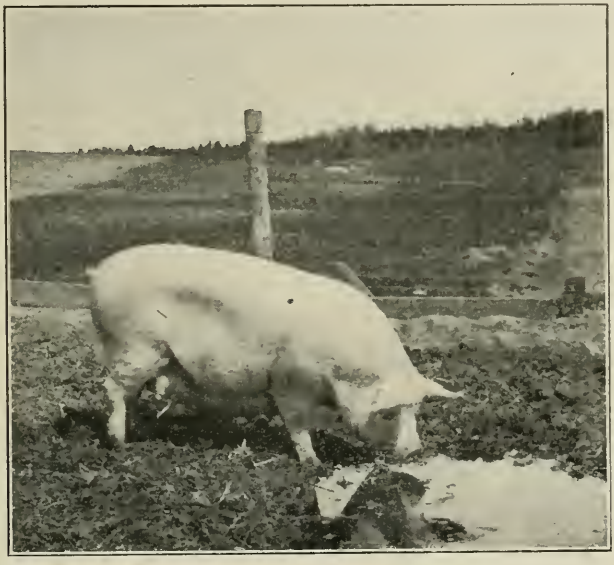
In a similar way we are enabled to figure out the cost of plowing, harrowing, seeding and harvesting per acre. In this way we can arrive at the actual cost of a bushel of grain. We know exactly how many hours it took to shock our grain, and how many hours it took to haul it in and thresh it, etc., etc.

Plowing new land cost	$6 65	per acre.
Rolling "	0 25	"
Discing "	0 37	"
Harrowing "	0 15	"

EQUIPMENT.

We have increased our equipment considerably since last year. In the past we have been obliged to water our stock at the river and this took up considerable time, especially in the winter. This year we drilled a well seventy-five feet deep. In drilling we went down through the clay and struck sand at a depth of forty feet, this sand became coarser as we went down, and at seventy-five feet we were in gravel. In testing the well the maximum flow was found to be a little less than four gallons a minute.

We purchased the section house lot near the railway to accommodate married help. We found our eight horsepower gasoline engine too light to do the threshing and chopping and we had it replaced by a twelve horsepower. We built a temporary driving shed, a root house and a seed granary. We took several hundred



Yorkshire Sow. Four litters from this sow have been distributed throughout Timiskaming.

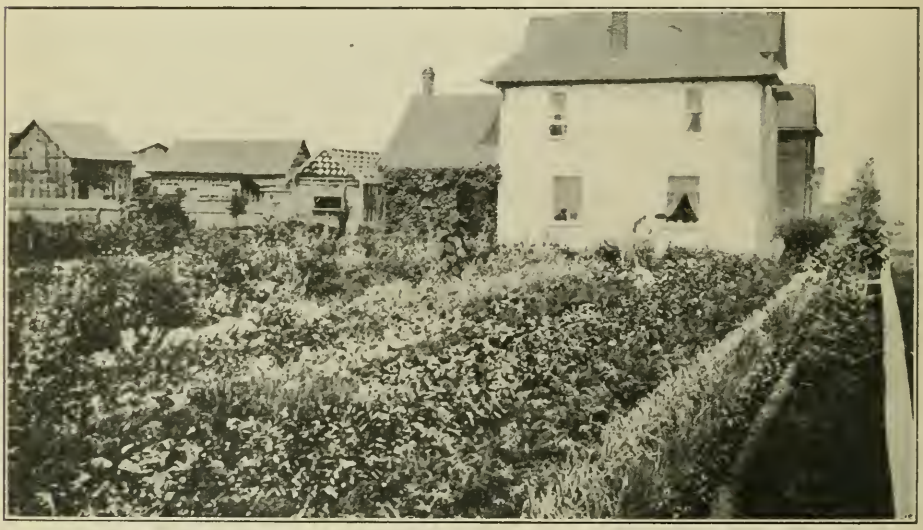
trees from our nursery and planted them around on the Farm, these included Manitoba maples, spruce and two kinds of pine. We have also cut and chopped fifty acres of bush and have one hundred acres more under contract at the present time. We have cleared over twenty acres of land, and have now seventy-three acres clear of stumps, with two hundred and fifty acres slashed.

Apart from the actual management of the farm, I find my time devoted more and more each year to outside work. Farmers are looking to the farm for advice and assistance, and every effort is made to give them the benefit of our knowledge. The correspondence is getting very heavy and demands a considerable share of my attention. I have also acted as judge at a number of Fall Fairs, and have delivered addresses at Farmers' Clubs and similar agricultural gatherings.

R. H. CLEMENS,

Farm Director.

Monteith Union Church.



A New Liskeard Home.

REPORT

OF

NORTHERN DEVELOPMENT BRANCH

UNDER

THE NORTHERN AND NORTH-WESTERN ONTARIO DEVELOPMENT ACTS, 1912 and 1915

1915

PRINTED BY ORDER OF

THE LEGISLATIVE ASSEMBLY OF ONTARIO

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1916

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To His Honour Sir John Strathearn Hendrie, K.C.M.G., C.R.V.O., etc.,

Lieutenant-Governor of the Province of Ontario.

May it Please Your Honour.—I herewith beg to present for your consideration the Report on the Construction of Roads, the operation of Experimental Farm and Garden Plots, and the distribution of Seed Grain, under the provisions of the Northern and Northwestern Ontario Development Acts, 1912 and 1915.

Respectfully submitted,

W. H. Hearst.

REPORT ON THE CONSTRUCTION OF ROADS, THE OPERATION OF EXPERIMENTAL FARMS AND GARDEN PLOTS, AND THE DISTRIBUTION OF SEED GRAIN, UNDER THE PROVISIONS OF THE NORTHERN AND NORTH-WESTERN ONTARIO DEVELOPMENT ACTS, 1912 AND 1915.

During the Season of 1915.

To the Honourable The Premier:

Sir,—I have the honour to submit a general report of the work done in the construction of roads, the operation of Experimental Farm and Garden Plots, and the distribution of Seed Grain, under the provisions of the Northern and North-western Ontario Development Acts, 1912 and 1915, during the season of 1915.

The season's work on the construction of roads was continued throughout the winter of 1914-15, in cutting out a right of way through the Nipissing or North Bay Indian Reserve, between North Bay and Sturgeon Falls, and in hauling road material, constructing bridges and taking out bridge timber.

Owing to the general conditions obtaining in the newer sections of Northern Ontario during the months following the outbreak of war, it was found necessary, in order to assist the settlers, to give them employment in cutting out roads in front of their lots or in the immediate vicinity thereof. Over 400 men were employed in this class of work during the winter season at different places throughout the northern district.

In compliance with the Act passed at the last session of the Legislature, authorizing the distribution of Seed Grain and other seeds, immediate steps were taken to secure the best possible quality of seed. Applications were received from settlers in the different districts: the seed was shipped to them to the nearest railway station. Three thousand one hundred and twenty-three settlers were provided, and 67,600 bushels of seed were distributed. Storehouses were rented or constructed at the various distributing points. Practically no complaints have been received from the applicants, and general satisfaction has resulted. In many isolated sections throughout the whole of Northern Ontario, had the Government not distributed seed among the settlers, many of them would have been unable to purchase a bushel, and would have been in a destitute condition this winter. The amount of seed granted to each settler was limited to approximately $50.00.

With reference to the construction of roads, the summer of 1915 was very favourable for the work up to about the 1st of September, except the month of June. During the months of September and October the weather was continuously wet. In the latter month very little work could be done in the Temiskaming District. In the southern area, along the line of the Canadian Pacific Railway, in the Districts of Sault Ste. Marie, Port Arthur, Fort William and Rainy River, the conditions were more favourable. Good progress, however, was made in the early part of the season.

Operations were carried on over practically the same territory as in the previous year—from near Pembroke on the east, as far as Kenora on the west; along the Rainy River Valley on the south-west; along the Sault Ste. Marie branch of the Canadian Pacific Railway; in the Port Arthur and Fort William Districts; in

the Sudbury District along the Canadian Pacific Railway between Sudbury and North Bay; on the Grand Trunk Railway between Callander and Powassan; along the Temiskaming and Northern Ontario Railway and its branches; along the Grand Trunk Pacific Railway from Cochrane west to the Town of Hearst; and in the mining districts around Porcupine, Kirkland Lake, and west of Lake Temiskaming.

No great difficulty was met with in securing sufficient men for the work among the settlers and residents in the districts, except as in previous years in the construction of ditches and the taking out of rock cuts. The largest number of men employed was during the months of June and July, when over 3,500 were engaged on the work.

During the season up to the 31st October, the sum of $582,914.80 was expended in the construction of roads and bridges; $8,075.68 in the clearing of land and the operation of experimental farms and garden plots; and $98,920.26 in supplying seed grain, potatoes and grass seeds to 3,123 settlers; or a total expenditure of $689,910.74. Five hundred and ninety-seven miles of new roads were cut out of the virgin forest; 281 miles of new and old roads were graded or surfaced with gravel or stone; 113 miles of old roads were partly graded, repaired or improved; 110 galvanized iron pipes from 8 inches to 60 inches in diameter were used on the work. In all, 872 miles of road were under construction; one dam was built 450 feet in length across the Frederickhouse River to improve navigation on Night Hawk Lake and tributary streams.

In addition to the construction of roads and bridges, 146 acres of forest were cut and burned to be used for experimental farm purposes; 30 acres near the town of Matheson; 82 acres in the town plot of Hearst; 34 acres at the experimental farm and garden at Groundhog. The experimental farms and plots were operated this season in continuation of the work started last year, one in the town of Cochrane; one two miles west of Cochrane; one at Groundhog, 50 miles west of Cochrane; one in the town plot of Hearst, 130 miles west of Cochrane; and one at the Nagagami River, about 170 miles west of Cochrane. The results were entirely satisfactory. Clover, alsike and timothy grew in great abundance on all the different farms. Fall wheat did well wherever it was tested, and averaged from 27 to 35 bushels per acre, and was not injured by the early frosts. Spring wheat gave good promise of a large yield, but unfortunately was injured by the summer frosts where the ground had not been cultivated for a few years previously. No injury was done by frosts on the high lands near the town of Cochrane; all kinds of vegetables matured, with the exception of tomatoes. On the farms west of Cochrane, where the land was comparatively new, and had not been worked for more than two seasons, summer frosts did considerable damage, but not more so than in several of the older districts—Muskoka, Parry Sound, Thunder Bay or Rainy River. No finer crops were seen in Old Ontario than those grown in the Temiskaming District, along the line of the Temiskaming and Northern Ontario Railway and its branches, or along the line of the Grand Trunk Pacific Railway. Had the rainy season not occurred, which began when the harvest was being cut, and was continuous for several weeks, there would have been a bountiful harvest throughout the district.

Owing to the dry season of 1914, and the favourable weather for clearing up land in the early part of May last, the settlers were fortunate in clearing off and getting under cultivation a much larger area than in any previous season. The excellent growth of crops last season has encouraged the settlers very much, and there is every indication that a much larger area will be placed under cultivation

next season. The construction and improvement of roads in the different localities has greatly increased the value of the settlers' lands, as well as the value of the farm produce.

The conditions necessary for the more speedy settlement of large areas of good farming land in Northern Ontario were never so favourable as they are to-day. The operation lately of the Transcontinental Railway by the Dominion Government, offers conditions more favourable to the incoming settler. The construction during the last few years of roads partly in advance of settlement, has done much to remove obstacles which were almost insurmountable.

Up to the present time, the Government had little or no means of ascertaining the character of the soil, its suitability for agriculture, the question of climate or the length of season, in the territory along the Transcontinental Railway. The crops of 1915, notwithstanding the wet season, have determined these questions favourably with some degree of certainty; or at any rate, those who had the good fortune to visit this section of the Province during the harvest time were unanimous in the opinion that the crops and general conditions were such as to make it an attractive field for settlement by a suitable farming population.

The good results obtained at the different farm and garden plots convinced me that farming in the District of Temiskaming and along the Grand Trunk Pacific Railway throughout the Clay-belt, if given the same attention as in older Ontario, would yield results which would compare very favourably. Clover, timothy, oats, barley, peas, fall wheat, and even spring wheat where the soil and drainage are favourable, also all classes of vegetables, can be grown profitably and with very little risk. Injury done by summer frosts last season in the Clay-belt was no greater than in the more southern districts as far south as Bracebridge.

Splendid progress is still being made in the District of Rainy River, where new roads have been constructed, in the opening up of new townships distant from the railway.

The mining camps now operating and opening up are giving a ready market to the settler for all the vegetables and other farm produce that can be grown. The roads built near the mining sections are not only assisting the mine operators, but equally so the farming community.

The great demand for new roads still continues, together with an increased demand for schools and better access to them.

Attached hereto are: Statement of Expenditures for the year ending 31st October, 1915, in the various districts; Summary of Expenditure for the four years ending 31st October, 1915; Statement of Mileage of Roads, etc., constructed in each district during season 1915; Summary of Mileage of Roads constructed for the four years ending 31st October, 1915; and Reports of operations in 1915 in the various districts, in the Construction of Roads, Experimental Farms and Garden Plots, and the Distribution of Seed Grain.

I have the honour to be, Sir,

Your obedient servant

J. F. Whitson,

Commissioner.

STATEMENT OF EXPENDITURE UNDER NORTHERN & NORTHWESTERN ONTARIO DEVELOPMENT ACTS, 1912 AND 1915.

(From 23rd May, 1912, to 31st October, 1915.)

District.	Expenditure to 31st October, 1914.	Expenditure year ending 31st October, 1915.
District of Nipissing, North Bay to Mattawa, and east to Petawawa Military Camp, and south of Callander to Powassan, and west from North Bay through Sturgeon Falls	$162,400 30	$107,844 43
District of Temiskaming, Haileybury, Englehart, Matheson, Charlton, Swastika, Elk Lake, Larder Lake	330,379 30	65,491 86
District of Temiskaming, Cochrane, Porcupine, Iroquois Falls, and Transcontinental Railway from Quebec boundary west 125 miles to Groundhog	541,225 92	144,200 40
District of Sudbury, vicinity of the Town of Sudbury and Mining District surrounding	168,094 74	21,811 63
District of Algoma, vicinity of Hearst along Transcontinental and Algoma Central Railways	56,632 61	27,681 71
District of Algoma, on Sudbury and Sault Ste. Marie Trunk Road	156,995 47	33,730 89
District of Thunder Bay, tributary to Port Arthur and Fort William	263,543 61	90,931 53
District of Kenora, vicinity of Kenora and Keewatin	122,797 43	25,005 41
District of Rainy River, in Rainy River Valley	230,023 09	51,915 29
Experimental Farm Plots	9,035 11	8,075 68
Seed Grain	.....	98,920 26
General Administration Expenses	35,705 69	14,301 65
	$2,076,833 27	$689,910 74

ARTHUR E. D. BRUCE,
Secretary and Accountant.

SUMMARY OF EXPENDITURE FOR THE FOUR YEARS ENDING 31ST OCTOBER, 1915.

Description.	Year ending 31st Oct., 1912.	Year ending 31st Oct., 1913.	Year ending 31st Oct., 1914.	Year ending 31st Oct., 1915.	Total Expenditure under each section.
	$ c.	$ c.	$ c.	$ c.	$ c.
Sec. 1 (a). Works and Improvements (Sewer at Hearst)	.....	.....	2,100 00	.....	2,100 00
Sec. 1 (b). Roads	193,082 80	1,081,172 28	791,443 08	582,914 80	2,648,612 96
Sec. 1 (d). Farms	.....	.....	9,035 11	8,075 68	17,110 79
Seed Grain	.....	.....	.....	98,920 26	98,920 26
Total Expenditure under all sections	193,082 80	1,081,172 28	802,578 19	689,910 74	2,766,744 01

ARTHUR E. D. BRUCE,

Secretary and Accountant.

SUMMARY OF ROADS UNDER CONSTRUCTION, 1915.

District.	New Roads Cut Out.	New and Old Roads Graded or Gravelled.	Old Roads partly graded, repaired or improved.	Bridges Built.	Mileage under Construction.
Rainy River	33	19	29½	5	81½
Kenora	88	11½	1½	6	89½
Thunder Bay	90	33	6	18	97
Sault Ste. Marie	13	18½	4	1	35½
Sudbury	14¾	12½	.....	2	14¾
North Bay	.....	48	3½	9	51½
Callander and Powassan	8	7	.....	1	8
Pembroke	.....	11	.....	.....	11
Haileybury	7½	6½	.....	.....	7½
Englehart	81½	24	23¾	4	113¾
Matheson	105¾	27¼	28½	2	139¼
Porcupine	3	6	.....	.....	9
Cochrane	83¼	38¼	12¼	9	127¼
Hearst	16¾	9¾	4	5	35½
Kapuskasing	53	8¾	.....	1	53
Total	597	281	113	63	872

J. F. WHITSON,
Commissioner.

SUMMARY OF MILEAGE OF ROADS UNDER CONSTRUCTION

From 23rd May, 1912, to 31st October, 1915.

	1912 Miles	1913 Miles	1914 Miles	1915 Miles	Total Miles
New and old roads graded	39	500	405	281	1,225
New and old roads partly graded	.....	40	214	45	299
New bush roads cut out ready for grading and old roads improved	194	224	89	546	1,053
Total mileage under construction	233	764	708	872	2,577

No. of bridges constructed in 1915, 63.

J. F. WHITSON,
Commissioner.

ROADS IN THE DISTRICT OF KENORA.

Number of miles of new roads cut out	88
Number of miles of road graded	11½
Number of miles of road partly graded, repaired or improved	1½
Number of bridges built	6

Townships of Eton and Rugby:

Work was commenced in these townships north of Wabigoon and Eagle Lakes, on the Wabigoon River between Concessions 5 and 6 in the Township of Eton. Twenty-eight miles of road was cut out 66 feet wide; the timber and brush were piled in two separate rows 10 feet from the standing timber. Two large pile bridges were built, one 187 feet long across the Pelican River (a branch of the Wabigoon), between Lots 6 and 7, Concession 1, Township of Rugby. In this bridge were used 13 pile bents of good sound tamarac, red pine caps and tamarac flooring. The second bridge crosses the same stream, is 235 feet long, built of the same materials, on Lot 7, north boundary of the Township of Eton. This bridge has 16 pile bents, and the floor is 7 feet above water.

The road between Lots 6 and 7, across Concessions 4, 5 and 6, Township of Eton, was cut out and graded, also the same road continuing north across Concessions 1, 2 and 3 and part of 4 of the Township of Rugby; this portion was cut out, and the first mile across Concession 1 was well graded. This road has a length of 6½ miles, has very few grades upon it, and will make an excellent trunk road when completed. On this portion four miles in all were graded and well ditched, a number of bad hills cut down, and two ravines filled; 23 corrugated iron culverts were placed.

The road was cut out between Concessions 3 and 4 of the Township of Rugby from Pelican Lake west 5½ miles to the west boundary of the township. The road was cut out the full width, 66 feet, and the brush well piled.

Also the road between Concessions 2 and 3, from Pelican Lake west 4 miles was cut out; also the road between Concessions 1 and 2, Township of Rugby, across part of Lot 1, Lots 2 to 10, inclusive—13¼ miles; also the townline between Rugby and Eton Townships, crossing the entire township—6 miles; also the road between Concessions 5 and 6, across Lots 5 and 6, Township of Eton—1 mile; also the road between Lots 8 and 9, Concession 6, Eton—1 mile.

There is a large percentage of fine clay land in both the Townships of Eton and Rugby, much of which had been burnt over years ago, and is now partly grown up with a small second growth. The land is easily cleared, and where settlement has taken place good progress has been made. The roads now cut out and partly graded will be of great assistance in the promotion of settlement.

Redvers Township (north of Quibell Station on the Grand Trunk Pacific Railway):

In this township there are several good lots. The soil is good and the land is settled upon by Finlanders and Swedes, who are making fair progress. Eight and a half miles of road was cut out 66 feet wide, the brush well piled; of this, 4½ miles was burnt off, and the road is ready for grading. These roads are between Lots 8 and 9, Concessions 1 and 2; between Lots 10 and 11, Concession 2; between Lots 5 and 6, Concession 3; between Concessions 1 and 2, across Lots 9 and 10; between Concessions 2 and 3, across Lots 6, 7, 8, 9, 10 and 11; and between Concessions 3 and 4, across part of Lot 3, Lots 4 and 5.

Wabigoon Township (situated on the Grand Trunk Pacific Railway, on the Wabigoon River, near Quibell Station):

In this township 17½ miles of road were cut out, 11½ miles of which were burnt and made ready for grading. There was also 1 mile of corduroy laid. These roads were cut out on the line between Concessions 2 and 3 across Lots 1 to 8, inclusive; between Concessions 3 and 4, across Lots 10, 11 and part of 12; on the line between Concessions 4 and 5, across part of Lot 5, Lots 6 to 12, inclusive; on the line between Concessions 5 and 6, across Lots 9 to 11, inclusive; on the line between Lots 2 and 3, across Concessions 4, 5 and 6; on the line between Lots 8 and 9, across part of Concession 6; on the line between Lots 10 and 11, across Concessions 3 and 4. These roads are all connected with the trunk road, which connects Quibell Station on the Grand Trunk Pacific Railway with Vermilion Station on the Canadian Pacific Railway on Vermilion Bay. This trunk road also connects with roads in the Township of Redvers.

There is a good percentage of fine land in this township, much of which is settled upon, and fair progress is being made by the settlers.

Trunk Road, from Vermilion Station, C.P.R., to Quibel Station, G.T.P. Ry.

The road originally used by the settlers was the old tote road, built by the railway contractors, and was practically a trail. There was a number of very steep hills on it and bad swamps, and it was literally covered with granite boulders. The road was 10 miles long, and the new road cut out is but 7 miles in length, with only two short hills. The first four miles from Vermilion is a fine gravel road. The boulders had to be drawn off with teams or blasted; it was all well ditched and graded. The roadbed is 18 feet wide, well crowned with the finest of gravel. From Concession 2 to Concession 3 the work was very heavy, as two bad swamps, heavily timbered with tamarac and black poplar, had to be crossed. The large stumps were removed with a stumping machine, and this portion of the road is now ready for grading. This year 5½ miles of the road were completed, and this portion forms one of the best roads in the district. One mile remains to be finished, having been cut out, stumped and cleared. The balance of the road was completed by the Colonization Roads Branch. On the unfinished piece 750 feet of corduroy have been laid and partly covered. On the 5½ miles of completed road there are 8 wooden culverts 20 feet long; 10 8-inch corrugated iron culverts 18 feet long; one stone fill 35 feet long, 4 feet high; a stone fill 320 feet long and 18 inches high; one clay fill 35 feet long, 6 feet high, and one 20 feet long, 4 feet high. All these are finished and covered with gravel. Three wooden bridges from 16 to 20 feet long and from 4 to 6 feet high were built.

Aubrey Township:

The following roads were under construction in this township:

The road between Concessions 4 and 5, across Lots 10 to 22, inclusive, 6½ miles. Cut out 66 feet wide, and brush piled ready for burning. Also the road between Lots 12 and 13, across Concession 6, 1 mile, cut out and the brush piled. Improvements were also made on about 50 rods of road near the station at Oxdrift. There was a very dangerous hill on the main road, and arrangements were made with the Canadian Pacific Railway to use a part of their right of way. In this way the hill was avoided and a fine piece of road built. A small hill was cut down, one iron culvert placed, and the road graded.

Temple Township (Eagle Lake, Canadian Pacific Railway):

The road was cut out between Concessions 4 and 5 a distance of 5 miles.

During the winter of 1914-15 many of the settlers throughout the Kenora District were in a destitute condition. As many of them as was possible were given employment chopping and clearing out roads in the vicinity of their farms.

Melick Township (north of the Town of Kenora):

A road was commenced at the south-east angle of Lot 5, Concession 2, in this township, thence in a north-westerly direction for about 2 miles to the line between Lots 6 and 7, Concession 3, of the said township. Thence along the line between the said lots a distance of three miles to about the centre of Concession 6. This road was cut out in the usual way, 66 feet wide, and ½ mile of cross-laying was done. The road passes through a country which has been settled in places for several years.

An improvement was also made on the Coker Road, north of the Town of Kenora. This road branches off the Government road, and is situated between Lots 5 and 6, Concessions 2 and 3. The road was cut out during the winter of 1914-15 to provide work for the needy settlers, and later in the season was grubbed: the large stones were removed from the roadbed, and 10 culverts were built, four of stone and the others of tamarac. Corduroy was laid for a distance of 1,650 feet, with ditches on each side, and the road covered with clay and brush. The road was put into fair shape for a distance of 1½ miles.

Anderson Road:

This road commences at the south-east angle of Lot 16, Concession 1, and extends in a north-westerly direction across Lots 16, 17 and 18 a distance of about 1½ miles, and is an extension of a branch road joining the Melick and Jaffray Road on Lot 4, Concession 8, Township of Jaffray. The road was cut out, stumped and grubbed, and a portion of it graded. The large stones were removed from the centre, and all side hills cut down and levelled. Two stone and 3 wooden culverts were placed, 200 feet of corduroy laid and ditched on both sides and covered with clay and gravel. Two bridges were repaired and a small bridge built. This road was constructed to give an outlet to settlers living in the vicinity of the Winnipeg River.

Coker Road:

This road was cut out between Lots 5 and 6, Concession 3, and the stumps grubbed, ready for grading, a distance of 1½ miles.

Government Townsite of Graham (at Sioux Lookout, on the Grand Trunk Pacific Railway):

This townsite was laid out by the Government several years ago and part of it sold: part still remains in the hands of the Crown. The streets had never been cut out, and there were quantities of fallen timber and debris on the townsite, greatly endangering the buildings thereon to fire. The streets which had not previously been opened up were cut, brushed and burnt a total distance of 5 miles, and are now in a condition to be graded, and can be used for traffic. The danger from fire has been removed.

Van Horne Township:

The road was cut out between Lots 5 and 6, Concession 4, for a distance of ¾ mile. About ½ mile of this was through a very heavy swamp, necessitating the laying of 700 feet of corduroy. This was ditched on each side and covered with clay; culverts were placed where necessary. The road was left in a passable condition, and is a great help to the settlers in the vicinity, as they were before compelled to go round an additional three miles in order to get to the Town of Dryden. The Council of Van Horne is continuing the road for a short distance in order to make the road of still greater value to the settlers in that neighbourhood.

ROADS IN RAINY RIVER VALLEY, DISTRICT OF RAINY RIVER.

New roads cut out and graded	8½	miles
New roads cut out, cleared and burnt	24½	miles
Old roads regraded	29½	miles
Roads gravelled	19	miles
Tap drains dug	4	miles
Number of bridges constructed	5	

On the commencement of this work in May, 1915, there remained about 22 miles of the trunk road between the Town of Fort Frances and the Town of Rainy River to be gravelled, all but 4 miles of which work has been completed, which 4 miles could only be done to advantage after the freeze-up owing to the long gravel haul. In addition to the resurfacing of 19 miles with gravel from 750 to 850 cubic yards per mile, 33 miles of new road was cut out and burnt off, of which 8½ miles were graded. Four miles of tap drains were dug and 5 long pile bridges constructed.

During the summer of 1915 there was considerable activity in the clearing of farm lands in this district, and many new settlers have taken advantage of the new sections opened up by our roads to take up land in the townships which were not before accessible.

In the latter part of April seed grain was distributed to the settlers throughout the district. Partly as a result of this there was far more land under crop than in any previous year, and the yield of grain was uniformly large. The root crops, especially potatoes, were not as good as in previous years, owing to the heavy frost about the middle of August, which did considerable damage to the root crops as well as the late grain. During this season the area of wheat sown was much larger than in any previous year. The grain is being shipped to the LaVallee mill from all over the district to be ground into flour. Timothy, clover and all kinds of grain was an excellent crop throughout the district, and had it not been for the frost in August would have compared favourably with the crops in the best parts of old Ontario.

The work performed during the season of 1915 may be described as follows:—

Township of Spohn:

Road between Lots 4 and 5 across Concessions 3 to 9, inclusive, and across Lots 5 and 6, south of Concession 3, 8¼ miles. This road was cleared and burnt: across Concessions 6 to 9, inclusive, the road was graded and ditched. In addition to this, 2,000 feet of tap drain and 4 culverts were put in. The work done in the Township of Spohn was all on new roads.

Township of Worthington:

Rainy River trunk road re-surfaced or gravelled south of sections 31 to 36, inclusive, a distance of 4¾ miles. On this road there still remains one-half mile of gravelling to complete same.

Township of McCrosson:

Road between Lots 2 and 3, Concessions 2 and 3, 1 mile of road ditched and graded.

Road between Concessions 2 and 3, Lots 1 and 2, 1 mile cut out and burned, one-half mile of which was grubbed.

Wild Lands, Indian Reserve:

Tap drain 2¼ miles in length dug. This drain lies two miles north of the south boundary of the Wild Lands Reserve, and is on the road allowance two miles of this distance. As the township has only recently been subdivided by the Department of Indian Affairs, to be opened up for settlement, I am unable to describe the same by lot numbers. The ditch commences on the line produced between Sections 10 and 11 in the Township of Curran. It was constructed to make it possible to construct the trunk road from the Town of Rainy River on the Canadian Northern Ry. north into the Township of Spohn, where there is a large settlement of well-to-do settlers who, up to the present time, have no means of access to a market or railway. The ditch, when extended, will drain the largest swamp area in the district, passing easterly and westerly through several townships. When drained it will be possible to construct a few main roads across the swamp and open up parts of several good townships heretofore inaccessible.

Township of Sifton:

Road between Lots 8 and 9 across Concessions 1, 2 and 3, 2½ miles cut out and burnt. One and a half miles of tap drain was put in to partly drain the swamp above described, ¾ of a mile grubbed and ½ mile ditched.

Indian Reserve Nos. 12 and 13:

South of the Canadian Northern Railway, 4½ miles of main trunk road gravelled.

Township of Barwick and Indian Reserve No. 11:

Four miles of main trunk road regraded and gravelled.

Township of Lash:

Regraded old road on west and north side of Section 32, 2 miles.
Gravelled 1 mile south of Section 32 on trunk road.
Cut out and graded 1 mile between Sections 25 and 26.

Township of Dilke:

On main trunk road west of River Lot 48, ½ mile of road gravelled.

Township of Nelles:

Road between Sections 26 and 27 and 34 and 35, 1 mile single ditched and graded, and one mile double ditched and graded. On this road 4 culverts were put in.

Township of Sutherland:

Road between Lots 6 and 7, across Concessions 1 to 6, inclusive, 6 miles of road cleared and burnt, ½ mile in Concession 1 ditched and graded and 2 culverts put in.

Township of Tovell:

Road between Lots 6 and 7, Concessions 1 and 2, a distance of 2 miles, and between Concessions 2 and 3 across Lots 7 to 12, inclusive, a distance of 3¼ miles. This road was cut out and burnt.

Township of Morley:

North of Sections 22 and 21, 1½ miles gravelled on main trunk road.

Mine Centre:

Road towards Old Mine Centre, 1 bridge 75-foot span built. Five hundred feet of road leading to Bad Vermillion Lake ditched and graded. This road is east of Rainy Lake, on the Canadian Northern Ry., where there is a small settlement.

Township of Devlin:

Gravelling completed on main trunk road north of Sections 23 and 24, a distance of 1 mile, and a new pile bridge having a span of 85 feet was built across the LaVallee River on the east boundary of Section 22.

The east boundary of Sections 34 and 27 was regraded with a steam grader, also the east boundary of Sections 10 and 3, and the north boundary of Sections 2, 3 and 4, making a total distance of 7 miles.

Township of Carpenter:

Regraded old road between Lots 10 and 11, Concession 1, a distance of 1 mile.
Regraded ½ mile of old road between Concessions 2 and 3 across Lot 1.
Built 1 mile of new road between Lots 2 and 3, Concession 1.

Township of Kingsford:

Cut out and grubbed ½ mile of new road across Lot 4 between Concessions 1 and 2, also 1 mile between Lots 4 and 5, Concession 2. On this latter piece of road 300 feet of corduroy was laid.

Township of Roddick:

New bridge built, span of 70 feet, on the River Road on River Lot 26.
New bridge built, having a span of 95 feet, on River Road on River Lot 38.
Three miles of old road regraded on River Road across Lots 25 to 48.

Indian Reserve No. 10:

Repaired bridge, 60-foot span, on River Road. Regraded 1 mile of old River Road.

Township of Crozier:

Two miles of old road graded south of Sections 14 and 15. One new bridge was built and 1 bridge abutment and fill repaired.

Location of the first bridge repaired on the River Road, Section 13. On this bridge a new abutment and a row of piling was put in, lengthening the bridge 16 feet, and the fill, which had previously fallen away, was built up to grade.

The second bridge was located on the River Road, on the east boundary of Section 2. This bridge had a length of 75 feet and was put in entirely new, as the old timbers were badly rotted, making the bridge unsafe.

The gravelling was completed north of Sections 19 and 20 on the main trunk road, a distance of 2 miles.

Township of Burriss:

Road between Concessions 2 and 3 across Lots 8 to 12, 2½ miles of old road regraded.

Between Lots 8 and 9, Concessions 1, 2 and 3, 2½ miles of old road regraded.

Between Lots 6 and 7 and between Lots 4 and 5, Concession 3, 1½ miles of road graded.

Between Lots 8 and 9, Concessions 5 and 6, 2 miles of old road regraded.

Township of Woodyatt:

Regraded 2 miles of old road between Sections 34 and 35 between River Lots 16 and 17. Regraded 1 mile of old road south of Sections 34 and 35.

Regraded ½ mile of River Road across River Lots 12 to 16.

In addition to the above work described, the main trunk road was kept dragged and, where required, regraded where the road had been badly cut up by traffic owing to the very wet season.

PORT ARTHUR AND FORT WILLIAM DISTRICTS. ROADS CONSTRUCTED AND REPAIRED, 1915.

Number of miles of new road cut out	90
Number of miles graded	33
Number of miles partly graded, repaired or improved	6
Total number of miles under construction	97
Number of bridges constructed	18

Township of MacGregor:

North-east Branch Road—

Road commences at the north-east angle of the limits of the City of Port Arthur, and follows the valley of the north-east branch of the Current River.

The first stretch (five miles in length) was improved, ditches deepened, old culverts replaced and 10 new culverts set in and low-lying portions re-gravelled.

The road was then built for a further distance of two miles. Three bridges of 30 feet span each were built.

This road might be continued for at least a mile further to serve a group of settlers in the northern part of the township.

Town Line Road—

Road commences at the north-east angle of the limits of the City of Port Arthur and follows the town line north between the Townships of MacGregor and Gorham. This road was completed to the north limit of Concession C in the Township of MacGregor, a distance of two miles, and the bridge over the Current River was raised ten feet.

This road should be continued for at least three miles (it is already cut out that distance); some twenty families would be benefited.

Mountain Ranges from 800 to 1,000 feet high, extending along the Trunk Road from Fort William to Pigeon River on the International Boundary on the route to Duluth.

Township of Gorham:

Road between Lots 10 and 11—

This road was continued for 2½ miles to Concession 3, across Concessions 1 and 2, and in front of Lot 10, Concession 1, Gorham; and might be further extended for about three miles, or to Hazelwood Lake, to serve the settlers and to give the City of Port Arthur access to the lake, one of its sources of water supply.

Six Mile Creek Road—

This road was continued for 2½ miles to Concession 6, Gorham, and is now a completed gravelled road from the Dawson Road, in all a distance of eight miles.

Rose Mountain, on the Fort William and Duluth Trunk Road, height over 1,000 feet above Lake Superior.

A settler's home in the Slate River Valley, south-west of Port Arthur.

The Kakabeka Falls water-power at Kakabeka Falls, 20 miles west of Port Arthur, 30,000 H.P. developed. Overlooking the valley of the Kaministiquia River.

Township of Dawson Road:

The following roads were cut out:

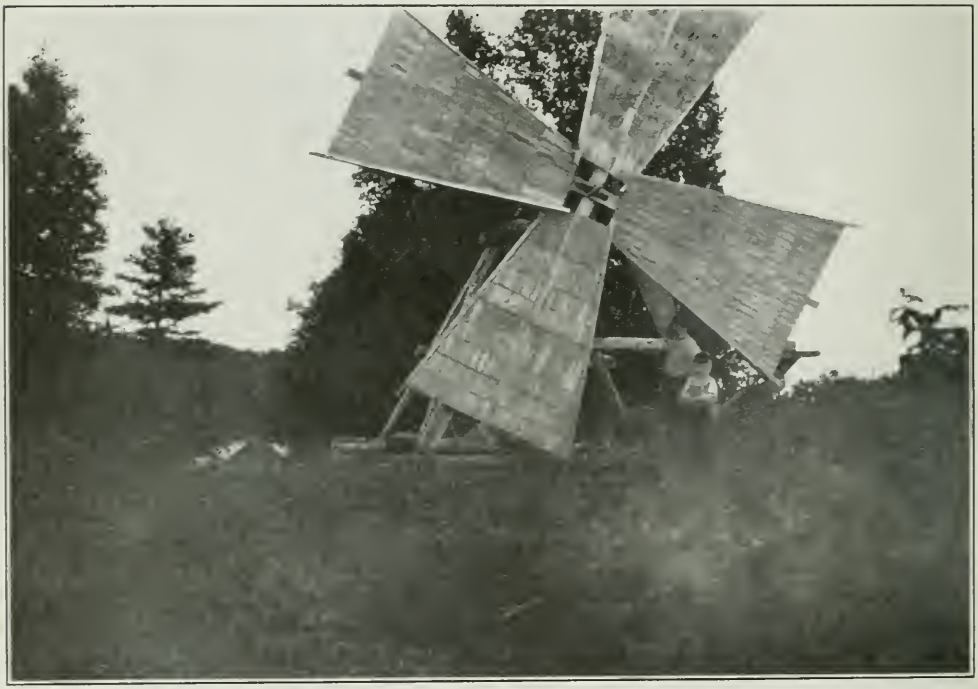
Between Concessions 1 and 2, from Lot 1 to Lot 29, except that part across Lots 5 to 10, inclusive. There was also an extensoin to the east as far as the Dog River, 7 miles in all.

Between Concessions A and B, across Lots 23 to 34, 2½ miles.

Township of Ware:

Town Line Road (between the Townships of Gorham and Ware)—

This road was improved and gravelled for a mile, and was continued for 1½ miles further, or to a point about midway on Concession 5, Gorham. This road if continued for about 3 miles further would benefit ten families.



A Finland settler's windmill, Township of Ware, north of Port Arthur.

The road was built between Lots 10 and 11, across part of Concession 1 and Concession 2, a distance of 2½ miles. A bridge of 32 feet span was built over Strawberry Creek. This road, if continued for three miles, and a branch road three-quarters of a mile in length opened to the west along the line between Concessions 3 and 4, Ware, would give to some twenty families a direct road to the Dawson Road; they now have to go to Kaministiquia, or eight miles further than the direct road. These roads are already cut out.

Kaministiquia Road—

This road was built from the Dawson Road, from a point just east of the Grank Trunk Railway crossing, and follows the easterly bank of the Dog River for two miles. Seven bridges of small span were built, and the road was gravelled.

The following roads were also cut out:

Between Concessions 2 and 3 across Lots 12 to 17, 3 miles.

Between Lots 12 and 13, across Concessions 3, 4 and 5, 1½ miles.

Between Concessions 3 and 4, from Lot 1 to Lot 4, across Lot 8, and across Lot 11, 3 miles.

Between Lots 8 and 9, across Concessions 3 and 4, 2 miles.

A field of oats in the Slate River Valley on the Prison Farm, south-west of Fort William.

Between Lots 6 and 7, across Concessions 1 and 2, 1 mile.

In Lots 333 and 388, 1½ miles were cut out alongside the Kaministiquia River, and south of the Dawson Road.

Township of Conmee:

Blind Line Road (Concession 1, Conmee)—

This road was built for 1½ miles, and was gravelled, and a small span bridge erected. A right-of-way was cut out from its southerly end to join the road built

on the west bank of the Kaministiquia River, and made usable for winter travel, and is a short cut from the present summer road. This road might be continued to the road between Lots 6 and 7, Conmee, and the southerly extension graded, about 2 miles in all.

The following roads were also cut out:

Between Concessions 6 and 7, across Lot A, ¾ mile.

Between Concessions 5 and 6, across Lots 1 to 4, 2 miles.

Between Concessions 2 and 3, across Lots 2 to 4, 1½ miles.

Town line between the Townships of O'Connor and Conmee, across Lots 10, 11 and 12, 1½ miles.

Between Lots B and C, Concession 3, 1 mile.

Between Lots 2 and 3, across Concessions 2, 3 and 4, 2¾ miles.

Between Lots 4 and 5, across Concessions 4 and 5, 1 mile.

Township of O'Connor:

A road was built along the west bank of the Kaministiquia River from the "7th Line Road," northerly for ¾ of a mile. This road lies on wet ground, and is built entirely of stone; it should be widened and covered with gravel as soon as the foundation is properly compacted.

"7th Line Road"—

This road commences at the steel bridge erected by this Branch last season over the Kaministiquia River, and follows the line between Concessions 6 and 7, O'Connor. 1½ miles of this road was built over low-lying ground.

Road between Lots 6 and 7—

This road was built from the Port Arthur and Duluth Railway to a point 600 feet south of the line in front of Concession 3, O'Connor, a distance of 2 miles. One bridge and six cedar culverts were set in. The road should be improved from this point north to the north limit of the township, or for five miles; it is already a travelled road, but without ditches or proper drainage. A diversion from the line might be built to join this season's work with the travelled road in the Third Concession, if the Township Council can secure the land, as an unnecessary hill would then be avoided.

The following roads were also cut out:

Between Lots 2 and 3, across Concession 6, 1 mile.

Between Lots 4 and 5, across Concession 7, 1 mile.

Between Lots 9 and 10, across Concession 7, 1 mile.

Between Concessions 3 and 4, across Lot 12, ½ mile.

Township of Gillies:

Ravine Road—

This road was built for three-quarters of a mile, and is intended to avoid a bad grade on the roads between Lots 6 and 7, Gillies.

Silver Mountain Road—

Eight hundred feet of ditch and tap drains were opened, and twenty culverts set in on this road, and shale rock was used to fill in soft spots and to cover the culverts, through the mile just west of the point where work was discontinued last season. Two small span bridges were built.

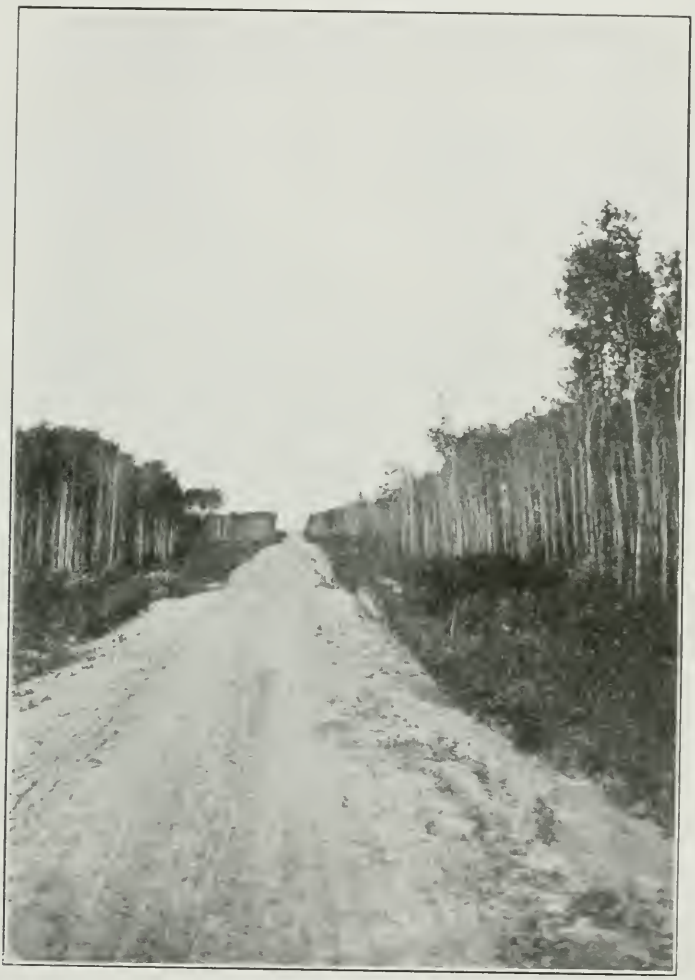
Township of Marks:

Roads were cut out between Lots 2 and 3, across Concessions 4, 5 and 6, 2 miles; and between Concessions 2 and 3, across Lots 3 and 4, 1 mile.

Township of Lybster:

Silver Mountain Road—

Extensions were made to this road, by cutting out portions across Lot 3, in Concession 6, and across Lots 10 and 11, in Concession 4, 1¼ miles.



Part of the Fort William and Duluth Trunk Road, near Cloud Bay, Lake Superior.

In this township the following roads were also cut out:

Between Concessions 1 and 2, across Lots 1, 2 and 3, 1½ miles.

Town line between the Townships of Lybster and Gillies, through Concessions 1, 2 and 3, 3 miles.

An extension was made from a branch of the Silver Mountain Road in a northeasterly direction, through Lots 10 and 11, Concessions 4 and 5, a distance of 1½ miles.

Township of Pearson:

An extension of the Gillies main road was cut out, commencing between Lots 18 and 19, in Concession 5, Pearson; thence through Concessions 4 and 3, in Lots 19 and 20; in all a distance of 3½ miles.

The road on the line between Lots 6 and 7 was completed to the line between Concessions 3 and 4, for a distance of 1^3_4 miles, together with one-quarter mile along the latter line.

The following roads were also cut out:

Between Concessions 4 and 5, across Lots 14, 15 and 16, 1^1_2 miles.

Between Concessions 3 and 4, across Lots 7, 8 and 11, 1^1_2 miles.

A typical public school on the Fort William and Duluth Trunk Road.

Township of Strange:

The road was cut out between Lots 2 and 3, across Concessions 4, 5 and 6, 2½ miles.

Townships of Crooks and Pardee:

"Pigeon River Road" Trunk Road Fort William to International Boundary—

This road was continued from the Cloud River crossing (where grading ended, 1914) to the road built by the Pigeon River Lumber Company, along the Pigeon River for a distance of 11 miles. One bridge of 60 feet span with an approach span of 30 feet was erected at the Pine River, and one of 32 feet span at the Little Pine River. Eighty corrugated iron culverts were also placed.

A bridge of 60 feet span was also erected at the Slate River crossing, replacing an old bridge there.

This road when completed will give access to the southerly part of the Township of Pardee, the valleys of the Arrow River, the Pigeon River, and the west branch of the Pine River, where there is apparently a large area of first-class agricultural land, part of which is unsurveyed and still in the Crown.

Grading ceased this season upon the Pigeon River Road at a point about 37½ miles from Fort William. From this point westerly an old timber road, constructed by the Pigeon River Lumber Company, is followed. The first 2¼ miles or it were widened and well grubbed, ready for grading this season. The balance of the road to the proposed International Crossing will require to be widened, ditched and graded, and about 1½ miles of a diversion to be cut out before the proposed crossing on the Pigeon River is reached at a point 44 miles from Fort William. At this point the river is about 70 feet in width, with rocky banks.

The trunk road from Duluth, built by the Highway Commission of the State of Minnesota, terminates at this point, and is almost completed, the distance from Duluth being approximately 157 miles.

It will require approximately $6,500 to complete this road to the boundary. With this amount of expenditure there would be a fairly good automobile road from Fort William.

In addition to the above the following repairs were made:

"Dawson Road."—Four bad sink holes developed in the early spring, and were filled with boulder stone, and covered with gravel; about 1,000 feet of such work was done.

"Oliver Road."—Three bad sink holes were similarly treated, and the road was dragged for seven miles.

"Pigeon River Road."—Two wash-outs were refilled and culverts placed, five hills cut down, twelve miles of the road regraded with grader, and 2,000 feet of deep ditching and tap drains dug.

THE SAULT STE. MARIE AND SUDBURY TRUNK ROAD, AND ST. JOSEPH AND CAMPEMENT D'OURS ISLAND ROAD.

Location.	Road Built.	Road Gravelled.	Remarks.
Nesterville to Thessalon	2 miles	2.7 miles	
Gawas to Campement d'Ours	1.3 miles	.....	
Campement d'Ours	.....	2 miles	4 hills cut down and gravelled.
Livingston Creek Bridge	.....	.....	Reinforced concrete bridge 10 x 12 opening, approaches rebuilt and riprapped.
Iron Bridge-Blind River Sec.	4.5 miles	4.7 miles	
Day Mills-Iron Bridge Sec.	5 miles	7.2 miles	
Echo Bay to Desbarats	.....	4 miles	Miscellaneous repairs also.
Near Garden River	.....	.....	Repairs to limestone. Repairs to Root River embankment.
St. Joseph Island, "P" Line Hill.	1-10 miles	.....	6,000 yards earth fill.
Sault Ste. Marie-Garden River Sec.	.....	.....	Repairs to limestone macadam.
Echo Bay	.....	2 miles	Coarse trap surfaced with No. 1 limestone.

Sault Ste. Marie and Sudbury Trunk Road:

The road between Thessalon and Nesterville, which was left unfinished at the close of operations in 1914, was completed. The work done consisted of 2 miles constructed and graded, 2.7 miles gravelled. Eight corrugated culverts with concrete ends were installed. In addition to this work the McKay Hill, two and a half miles west of Nesterville, was re-graded and gravelled.

On the completion of this section, the camp was moved from Nesterville to Gawas Bay, St. Joseph Island, and 1.3 miles of new road was cut out and grubbed, connecting the Campement d'Ours Road with Gawas Bay and thus with the main roads of St. Joseph Island. This road for the most part was through rock, which necessitated a small amount of blasting and a considerable amount of filling. The material used was approximate to gravel in its nature, and formed a sufficiently good surface without further treatment. While at this location four hills on the Campement d'Ours road, which had been left unfinished from the previous season, were cut down and gravelled.

At the conclusion of this work a reinforced concrete bridge over Livingston Creek, with an opening 10 x 12 feet, was completed with its approaches. A very considerable amount of work on the approaches was necessary in this connection. They were formerly earth embankments held in place by log retaining walls. These were quite rotten, and the banks had to be increased, riprapped and stone faced with cement mortar in places.

Blind River-Iron Bridge Section:

Built, graded and gravelled that portion of the Blind River-Iron Bridge section lying between the Dean Lake bridge over the Mississaugi and the Village of Iron Bridge; 4½ miles were graded and 4¾ miles gravelled. Corrugated culverts, with stone or concrete ends, were installed. The Blind River-Iron Bridge section is now complete with the exception of about 6 miles west of Mississaugi Station, which remains to be gravelled. No gravel was to be obtained in the immediate vicinity and the haul would have been too long for summer work. This portion can be gravelled by hauling in the winter from a pit about the middle of the section and on the opposite side of Mississaugi River.

Day Mills and Iron Bridge:

Work on this section between Day Mills and Iron Bridge had been commenced during the season of 1914, but only a small amount had been done, namely, one and a half miles of grading and a quarter of a mile gravelled. During the present season 5 miles were built and graded, and 7.2 miles gravelled. There remains to be done on this section about a week's work, at a point 2 miles west of Iron Bridge. It was impossible to finish this on account of the excessively bad weather occurring at the end of the season, necessitating the closing down of the camp.

Echo Bay to Desbarats:

Gaps which had been left from previous seasons on the section between Desbarats and Echo Bay were completed. Two and a half miles of gravelling was done between Echo Bay and McLennan. Railings were also built on the Bradshaw

Hills, which were graded and gravelled during the season of 1913, and which, on account of the high embankments, might at times be dangerous. One and a half miles between Desbarats and McLennan were gravelled and a few miscellaneous repairs made.

Garden River:

Some repairs to the limestone constructed in 1913 in the vicinity of Garden River were made. Three cars of limestone were used on this work. The Root River embankment, which was washed badly in places, was also repaired.

"P" Line Hill, St. Joseph Island:

The grade on the "P" Line Hill, St. Joseph Island, was improved, an excessively bad and high hill which has impeded traffic for many years and on which small amounts of work had been done from time to time in the past. The total amount of material handled on this work was 6,000 yards. This hill is now in good condition, the grade being quite easy and almost uniform. I was unable to complete the gravelling as intended, and would recommend that this be finished next year.

Sault Ste. Marie to Garden River:

Repairs at the Sault Ste. Marie end of the Sault-Garden River section were made to the limestone macadam constructed during the season of 1913. On this work four cars of limestone were used.

Two miles of coarse trap, which was laid during the season of 1911 west of the Village of Echo Bay, were re-surfaced with limestone. This trap had been laid in very loose sand and had not, as expected, solidified. It was a great impediment to traffic, both horse drawn and motor, but is now in good condition. On this work eighteen cars of No. 1 limestone were used.

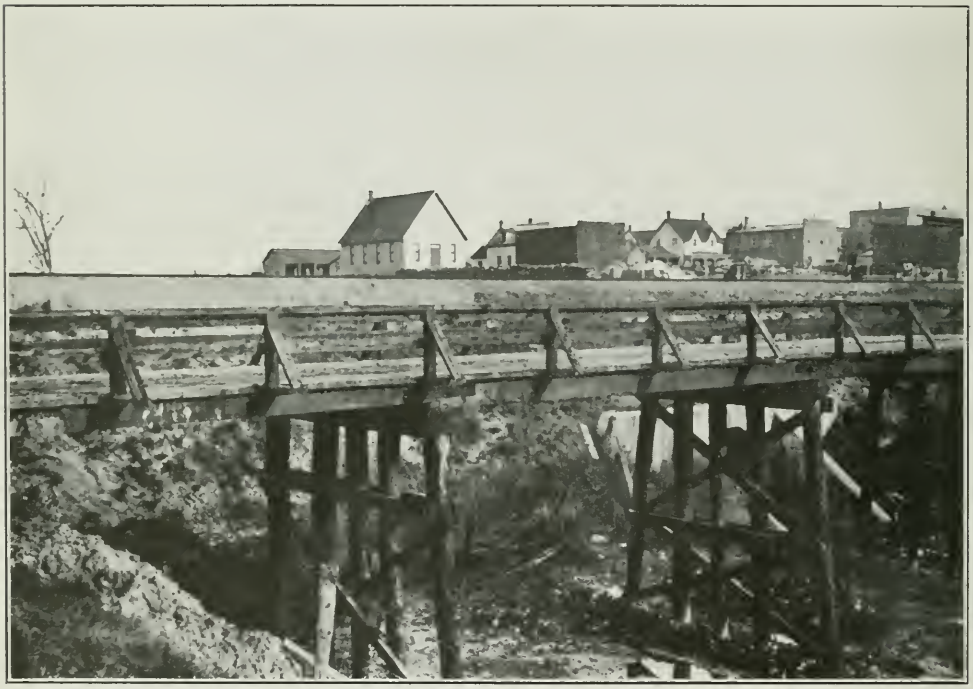
To summarize the situation on the Sault Ste Marie-Sudbury Trunk Road, it may be stated, with a few small exceptions, perhaps five weeks' for one camp, the work contemplated between Sault Ste. Marie and Algoma Mills has been completed. This portion of the road is now in good condition for traffic. With its improved standard, however, has come a corresponding increase in traffic, notably motor traffic, which has caused and will cause considerable annual repairs to be necessary. The work that has been done, however, is of a permanent character, in so far that while repairs will be necessary, rebuilding will not. Corrugated metal and concrete culverts, and steel and reinforced concrete bridges have been used throughout. There is only one permanent bridge yet to be built, namely, that over the west branch of the Blind River, two miles west of the Town of Blind River.

ROADS IN THE SUDBURY DISTRICT.

Number of miles of new road cut out	14¾
Number of miles of road graded	12½
Total number of miles of road under construction	14¾
Number of bridges built	2

The Sudbury and North Bay Trunk Road was continued eastward from Coniston Station near the junction of the Canadian Pacific Ry. and the Canadian

Northern Ry., near the Mond Nickel Co.'s works, about 3 miles east of Sudbury, to the Wahnapitae River and Station, a distance of 4 miles. The old road, which followed the line of the Canadian Pacific Ry. tote road constructed during the construction of the railway, was straightened out and diverted to the best possible ground. The worst grades were cut down and culverts of stone or cedar were placed where required. The road was well ditched and graded and re-surfaced with gravel where necessary. A small bridge of 20-foot span was constructed over a creek west of the Wahnapitae River. The bridge across the Wahnapitae River was repaired and re-floored.



Bridge 175 feet long constructed at Warren on the C. P. R., 1915, on the trunk road from Sturgeon Falls to Sudbury.

Coniston and Dill Township Road:

From the Village of Coniston a road was cut and graded south and south-easterly for a distance of 2½ miles, of which about 2 miles were graded. A bridge near the Village of Coniston was constructed across a small stream. This road was constructed to give the settlers in the Township of Dill access to Sudbury.

Larchwood Road:

A road was constructed on the boundary between the Townships of Balfour and Dowling from the Canadian Pacific Ry. station west and south along the boundary, 2½ miles. The road was cut out and graded.

Township of Levack, West of Sudbury:

A road from Levack Station on the Canadian Pacific Ry. was cut out and graded 2 miles to the Village of Levack, which has recently sprung up at and around the nickel and copper mines of the Mond Nickel Co., which are now being operated.

Hanmer and Lumsden Town-line Road:

A road between the Townships of Lumsden and Hanmer was cut out from the south boundary north to the Vermilion River, across Concessions 1, 2, 3 and part of 4, about 3¾ miles. The first two miles were cut and graded, and the balance, 1¾ miles, cut out and burned only. The country is very rough beyond the 2nd Concession.

ROADS IN THE VICINITY OF NORTH BAY.

Number of miles of road graded	45
Number of miles of road through Indian Reserve surfaced with gravel	8
Number of miles of road west of the Indian Reserve re-surfaced with gravel	12
Number of miles of Trout Lake Road re-surfaced with gravel	3
Total number of miles of road under construction	51½
Number of bridges built	9

Road West of North Bay, Nipissing Indian Reserve:

During the winter of 1914-15, work was continued on the trunk road passing through the Nipissing or North Bay Indian Reserve. The cutting of the right of way was all completed, cedar taken out for piling and abutments of bridges and large culverts; where rock cutting could be done, the work was carried on; gravel was drawn on to the right of way at various places. Before the season opened up, about the 1st May, one bridge was completed across the Duchesne Creek 120 feet long, 27 feet above high-water mark; one across the Larone Creek 100 feet long, 16 feet above high-water mark, and one across the Little Sturgeon River 120 feet long, 17 feet above high-water mark. These bridges are all constructed of the very best cedar for piles and abutments; western fir or white pine for stringers and trusses, and tamarac 3-inch plank for flooring. A rock cut about 600 feet in length was taken out east of Beaucage, close to the right of way of the Canadian Northern Railway, so as to allow a passage between the right of way and the foot of a large mountain to the north. The eastern part of the road as far west as Beaucage was broken and rocky in places, with narrow swamps intervening; the soil, where any was found at all, was chiefly sand or a very light sandy loam. The greater portion of the road, however, was stony, and covered with boulders; these were all removed and made a splendid road-bed; the very best of coarse gravel was found in different places along the road, and this was hauled on to the road at the rate of from 750 to 1,000 cubic yards per mile. The gravel was well rolled to a width of about nine feet. The road bed was well drained, and corrugated iron or stone culverts were placed where required. In a few instances, large culverts were constructed of good sound cedar.

Besides the three large bridges as above mentioned, a small cedar bridge was constructed about two miles west of Meadowside, and one about five miles west of Duchesne Creek.

The western part of the road from Beaucage to the west boundary of the Indian Reserve, a distance of about eleven miles, is a very level road, with only one small curve in that distance. This road passes along the longest tangent on the Canadian Pacific Railway in Eastern Ontario, and the Government trunk road follows it for eight miles. In this section, the soil is white sand or quicksand, with a good percentage of clay. When ditched and graded, the road is very hard, and appears to withstand the wet weather very well. Ditches from three to four feet in depth, with a width at the bottom of about two feet and from five to six feet at

Part of the North Bay and Sturgeon Falls Trunk Road at Meadowside.

the top were constructed on either side of the road, so that there will be no difficulty in keeping the road dry, as it has been well rounded off with the grader.

While the country is comparatively level, and there being only from two to six feet of fall per mile, the ditches have numerous good outlets, and it is expected that there will be no difficulty in keeping the road dry, even during the spring freshets.

The road has been well graded into the town of North Bay, from the east limit of the Indian Reserve or Duchesne Creek Bridge, the distance being about 2¼ miles. From the town of North Bay to the west limit of the Reserve is about twenty-one miles; the distance can be covered in one hour by automobile. There are no bad grades on the east part of the road, and the western portion is extremely level for over eleven miles.

Bridge on the North Bay and Sturgeon Falls trunk road at Meadowside, across Little Sturgeon River.

Bridge across Duchesnay Creek on trunk road from North Bay to Sturgeon Falls, 1½ miles west of North Bay, 260 feet, including approaches.

Part of the trunk road between North Bay and Sturgeon Falls, showing a 10-mile tangent along the C. P. R.

Half of the expense of constructing this road is borne by the Department of Indian Affairs at Ottawa.

The road passes along and close to the north shore of Lake Nipissing for several miles, and the view along the lake in the summer season is very fine.

After completing the road through the Indian Reserve, it was continued west through the town of Sturgeon Falls, 2 miles. It crosses the right of way of the Canadian Pacific Railway on the west boundary of the Reserve, and runs south to

North Bay and Sturgeon Falls trunk road through the Nipissing Indian Reserve, showing part of a 10-mile tangent along the line of the C. P. R. near Meadowside.

the line between Concessions A and 1 in the Township of Springer; thence west along the said line to the line between Concessions 2 and 3; thence north along the line between Lots 2 and 3 to the Town of Sturgeon Falls. It then continues through the said town and in a north-westerly direction, crossing the Sturgeon River on the old iron bridge above the pulp mill. Still continuing in a north-westerly direction, it meets the line between Concessions 1 and 2 in front of Lot 6;

it then continues west along the line between Concessions 1 and 2 to the west boundary of the Township of Springer, passing less than half a mile from the town of Cache Bay, from which town to the trunk road there is a good branch road constructed some years ago. The length of this portion of the trunk road is 8¼ miles. The road then turns to the north for two miles across Concessions 2 and 3 along the boundary between the Townships of Springer and Caldwell; then to the west between Concessions 3 and 4, Caldwell, across Lots 1 to 7 inclusive, 3½ miles; from this point the road follows along the north limit of the Canadian Pacific Railway through the village of Verner 1¼ miles to the west limit of Lot 9; then turns south, crossing the railway, and follows along the south limit of the right of way to the west limit of the Township of Caldwell, and con-

A rock cut on the North Bay and Sturgeon Falls Trunk Road near Beaucage Station, showing the C. P. R. and C. N. R., two transcontinental railways.

tinues westerly along the south limit of the right of way through the Townships of Kirkpatrick and Dunnet, passing through the village of Warren and part of the township of Ratter, where grading ceased about the middle of October, owing to the wet and rainy season having set in. In this distance, forty-six iron culverts, varying from eight inches to forty inches in diameter, were placed where required. The road follows the old travelled road which was very narrow in places and required straightening and regrading and surfacing.

Parts of the old road were in fairly good condition, and required very little repair or surfacing.

Commencing at the west boundary of the Indian Reserve, the first two miles were regraded and ditched, and a tap drain half a mile in length dug along the Indian Reserve boundary from the railway south, to carry off the water. The road

required little or no repairing through the town of Sturgeon Falls. The work began west of the Sturgeon River on Lot 5, and the road was regraded and gravelled across Lots 5 to 14 inclusive for five miles. Along the boundary between the Townships of Springer and Caldwell, across Concessions 2 and 3, it was regraded and gravelled, two miles. Between Concessions 3 and 4, Township of Caldwell, the first two lots required no improvement. The road across Lots 3 and 4 was re-surfaced and gravelled, one mile; across Lots 5, 6, 7 and 8 was graded and re-surfaced with gravel, two miles; across Lots 9, 10, 11 and 12, Concession 4, Caldwell, and Lots 1 to 12, Concession 5, Kirkpatrick, Lots 1 to 8, Concession 6, Dunnet, and Lots 9, 10, 11 and 12, Ratter, the road was well graded and ditched, eleven miles.

A bridge was constructed at Warren, 175 feet long, being composed of six spans each twenty-eight feet in length, built on cedar piles, with red pine stringers and three-inch tamarac flooring.

A pile bridge with cedar abutments was also built across Deer Creek with fifty feet span; also one over Bear Creek, with twenty-six feet span; also a bridge fifty feet long, built of cedar abutments, west of Warren.

These bridges are all of the very best material—cedar and pine.

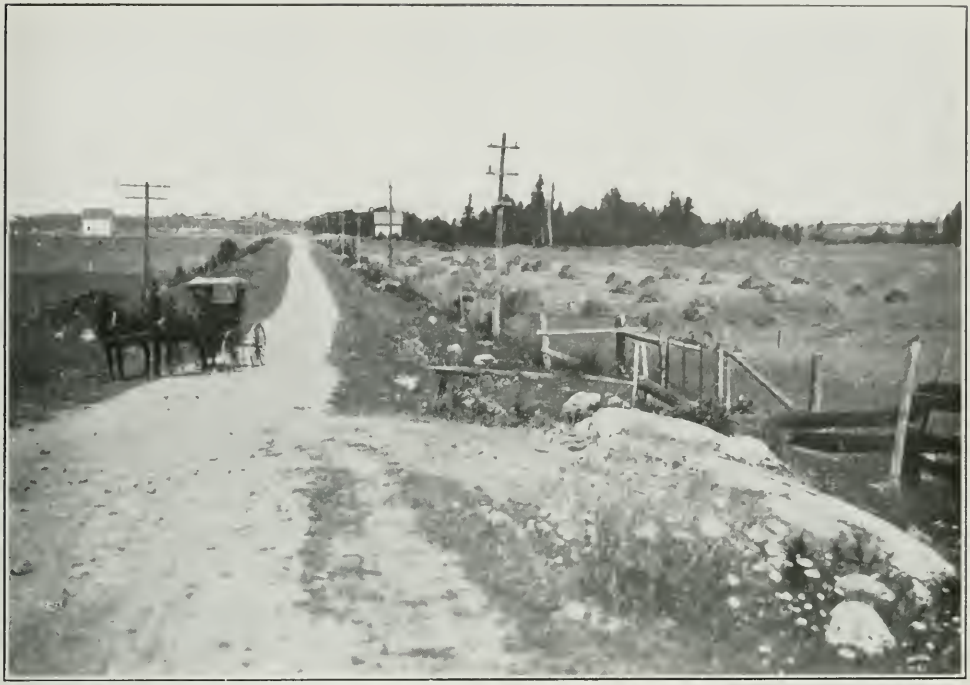
North Bay and Trout Lake Road.

The old colonization road, constructed by the Department of Public Works several years ago, from North Bay to Trout Lake, Township of Ferris, extending in a north-easterly direction from North Bay, was repaired for a distance of three miles. The road was impassable in places. It was widened from a mere trail to a width of from twelve to twenty feet, ditched where required, stones removed from the road bed and re-surfaced with gravel in the low places. The road is now fairly passable. Several of the worst grades were cut down and a few culverts renewed.

NORTH BAY, CALLANDER AND POWASSAN TRUNK ROAD.

Number of miles of new road cut out	8
Number of miles of road graded, and partly surfaced with gravel	7
Number of bridges built	1

From the Village of Callander on the North Bay, Callander and Powassan Trunk Road, operations were commenced where work left off in the fall of 1914. The last four miles of the road entering Powassan from the north, passed through a very broken and rocky country. It was impossible, owing to the bad grades for the settlers to make much progress in hauling produce to market. The road was very winding; no attempt had been made to either ditch or grade it in places. The new road was constructed straightening out the old road in many places, and avoiding as far as possible the worst grades. The road-bed was widened to 22 feet where the ground was broken and rocky; it was well ditched throughout, and all heavy grades cut down; the ground where flat was either stoned or gravelled; culverts of corrugated iron, stone or cedar, were placed where required; one bridge with a span of 30 feet was constructed, immediately north of the Town of Powassan. The bridge was built with stone abutments; the stringers of western pine, and the flooring of 3-inch tamarac plank. Where clay was met with in the construction,



On the trunk road between Callander and Powassan.

On the trunk road between Callander and Powassan.

the road was re-surfaced with gravel. Part of the road as far north as Callender, constructed a year ago, was resurfaced with gravel where clay was met with.

There is now a first-class road from Powassan to North Bay, a distance of over 20 miles. Farmers in the vicinity of Powassan can now haul their produce to North Bay, and make the return trip in one day. The distance can be made in a little more than an hour by automobile.

Chisholm Township:

The work commenced in 1914 in this township was continued during this season. Four miles of road were cut out, burned and partly graded.

PEMBROKE AND MATTAWA ROAD.

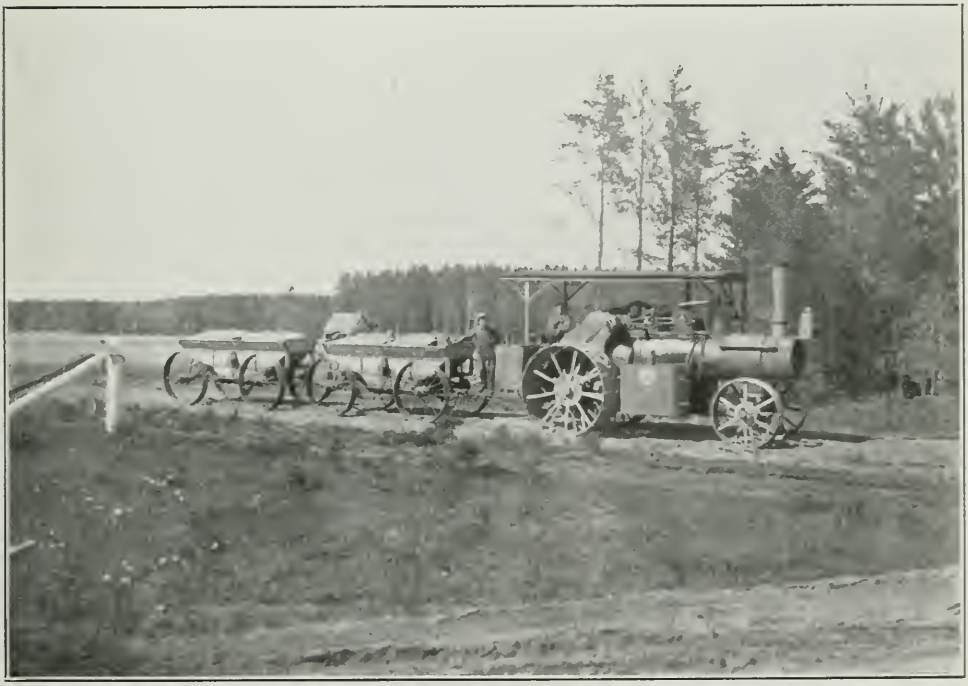
Number of miles of old road regraded and macadamised..... 11

During the season of 1914 part of the Pembroke and Mattawa Trunk Road between Pembroke and the Petawawa River was partly cut out, straightened and graded for a distance of over 11 miles. Three miles of this road is through a light, sandy soil; the remainder is part clay and fine gravel over which it was impossible to make a good road suitable for the traffic passing over it, unless it was either surfaced with gravel or with crushed rock.

Early in May, 1915, work was commenced. A very fine gravel pit was secured near the Village of Petawawa at the western end of the road, and a good rock quarry close to the road and within about two miles of the Town of Pembroke. Operations were commenced from both ends. A stone crusher and steam roller were put to work at the east end of the road and crushed rock was hauled east and west, covering a distance of 5½ miles, and at the west end a traction engine, with large gravel wagons, also teams, hauled gravel from the Petawawa pit over the balance of the road, 5½ miles. The gravel was coarse and clean. About 1,200 cubic yards of gravel per mile was placed on the road, or about 6,600 cubic yards in all, besides what was used in making the high fill at the east end of the bridge, and well rolled, both with the steam roller and with the traction engine when hauling the gravel. The road required an exceptionally large quantity owing to the fact that the road bed was of the very finest of drift sand. The gravel is spread to a width of from 9 to 12 feet. The eastern portion of the road is now a first-class macadamized road, having a width of 9 feet for part of the distance, and the portion nearest the Town of Pembroke a width of 12 feet. The road connects with Main Street, which is macadamized, through the Town of Pembroke. Five thousand six hundred cubic yards of rock were crushed and placed on the road.

The Militia Department at Ottawa have constructed a fine road from the Petawawa River, connecting with the road built by this Department, to the Military headquarters at the Petawawa Military Camps. The Military authorities raised the iron bridge across the Petawawa River 20 feet, in order to do away with the bad grade on either side of the bridge. There is now a first-class road from the Military Camp to the Town of Pembroke.

Iron Bridge across the Petawawa River on the Pembroke and Petawawa trunk road, length of bridge 180 feet, height above water 30 feet.



Hauling gravel on the Pembroke and Petawawa trunk road.

HAILEYBURY AND SOUTH LORRAIN ROAD.

New road cut out (of which 6½ miles were graded)..... 7½ miles

The Haileybury and South Lorrain road was commenced in the season of 1914, at Argentite Ave, in North Cobalt, on the line between concessions 1 and 2, Township of Bucke, and continued in a south-easterly direction parallel to the east shore of Lake Temiskaming to a point opposite Paradis Bay on said lake.

Early in May, 1915, the work was continued southerly through the Township of Lorrain, across Concessions 7, 6, 5, 4, 3 and 2 to near the line between Concessions 2 and 1, of said Township.

A branch road was also constructed east from the main road to the Government Dock on Paradis Bay.

The total distance constructed this year was 7½ miles, of which 6½ miles were graded. The road passes through a comparatively rough country, with here and there a fair percentage of good land settled upon. The road was constructed this season as far south as settlement has been made. It is well graded and ditched and is all that the settlers require at the present time. Later on, if mining operations prove successful in the Township of South Lorrain, the road might be extended south-easterly to join the Government road constructed a few years ago from the Government wharf near the townsite on the east shore of Lake Temiskaming.

ROADS IN THE VICINITY OF ENGLEHART, CHARLTON AND KIRKLAND LAKE.

District of Temiskaming.

Number of miles of new road cut out	81½
Number of miles graded	24
Number of miles partly graded, repaired or improved	23¾
Total number of miles under construction	113¾
Number of bridges constructed	4

Goodfish Lake Road:

This road is a branch of the Kirkland Lake Mining Road, commencing at mileage 41½ from the Village of Swastika on the Temiskaming & Northern Ontario Railway and extends to the Martin mining claims, east of Goodfish Lake. Total length of road, 4.69 miles. This road was graded for a distance of 3½ miles and the balance of road cut out and made passable for winter traffic. The road crosses part of Townships of Teck, Lebel and Morrissette. It was cut 46 feet wide, well ditched, and graded 14 feet wide.

The road was constructed in order to give access to certain mining properties doing work to the north of Kirkland Lake, and east of Goodfish Lake. This section of the country has all been staked out into mining claims, several of which are being operated. The road passes through a rough and rocky country, over which it was impossible to haul machinery to the mines until the road was constructed. The mines give fair promise, and since the building of the road there has been considerable activity in operating the properties and taking in machinery.

Premier of Ontario visiting the T. & N. O. Railway gardens at Englehart.

Premier of Ontario and family visiting the harvest fields between Haileybury and Matheson.

In addition to this work, the Kirkland Lake road was repaired where the heavy traffic of last year had damaged it.

Township of Catherine (east of the Temiskaming & Northern Ontario Railway, 10 miles north of Englehart):

The following roads were cut out 66 feet wide:—

Road between Lots 6 and 7, across part of Concession 1—10 chains.
" " Cons. 1 and 2, across part of Lot 12—17 chains
" " Cons. 2 and 3, across Lots 11 and 12—80 chains.
" " Cons. 3 and 4, across Lot 12—40 chains.
" " Cons. 3 and 5, across Lot 12—20 chains.

Township of Pacaud (on the Temiskaming & Northern Ontario Railway):

Along the east boundary graded ½ mile of road that was cut previous to 1915 season across part Concession 3. Also cut 1¼ miles further north across Concessions 3 and 4; of this 1¼ miles, ½ mile was graded.

Between Lots 4 and 5 across Concessions 1 and 2.—Repaired road across south half Concession 1, ½ mile; cut road across the north half Concession 1, ½ mile; and cut and burned road across Concession 2, 1 mile.

Between Concessions 1 and 2, across part of Lots 1 and 12, cut and burned 70 chains.

Between Concessions 2 and 3, across part of Lots 1, 11 and 12, cut 95 chains.

Between the north and south half Lot 12, Concession 4, cut 40 chains.

Township of Marquis (north of Charlton):

Between Concessions 1 and 2, across Lots 1 and 2, cut 80 chains, of this 56 chains were burned.

Between Cons. 3 and 4, across Lot 1, cut 30 chains.
" " 4 and 5, across Lot 1, cut 40 chains.
" Lots 2 and 3, across part Con. 1, cut 41 chains.
" " 6 and 7, across south half Con. 1, cut and burned, 30 chains.
" " 8 and 9, across Con. 1, cut 83 chains, also burned 55 chains of this.

Between Townships Savard and Marquis, across Lot 12, also between Townships Blain and Sharpe, across Lot 1, cut and burned 80 chains.

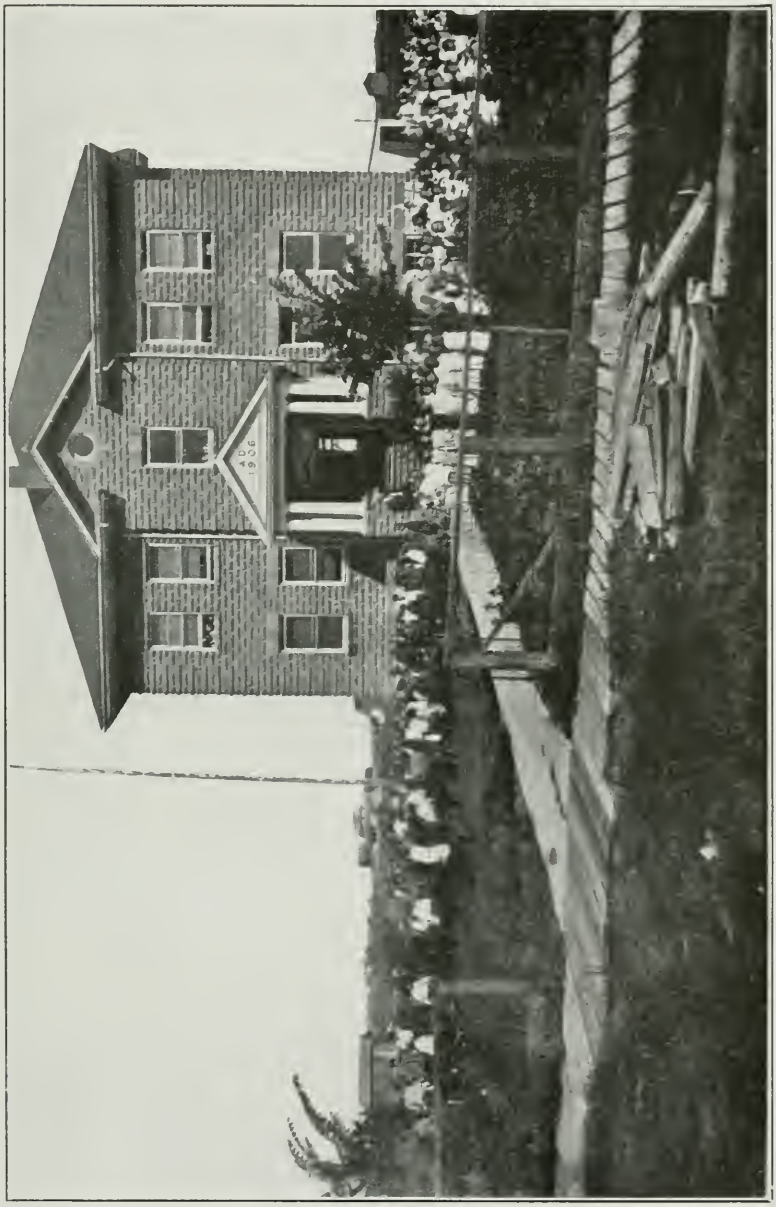
Township of Marter (north of Englehart on Temiskaming & Northern Ontario Railway):

Between Lots 2 and 3, across south half Concession 1, also across south half Concession 5, cut 72 chains.

Between Lots 6 and 7, across part of Concessions 1, 2 and 4, 80 chains Concession 1 old road repaired, 80 chains Concession 2 cut and graded, 40 chains Concession 5 cut.

Between Lots 5 and 6, across south half Concession 3, 40 chains cut and graded.

Between Lots 8 and 9, across part of Concessions 2, 3 and 4, 60 chains Concession 2 cut and graded, 80 chains Concession 3 regraded, and 40 chains Concession 4 graded.



Premier of Ontario on a visit to the public school, New Liskeard, District of Temiskaming.

Between Lots 10 and 11, road regraded across Concessions 1 and 2, 2 miles.

Between Concessions 2 and 3, road cut across part Lot 3, ¼ mile: cut and burned across Lots 4 and 5, 1 mile: cut and graded across Lot 6, ½ mile; cut across Lot 8, ½ mile: regraded across Lots 9 and 10, 1 mile.

Between Concessions 2 and 3, cut across Lot 10, 40 chains.

Between Concessions 3 and 4, old road graded across part of Lots 7, 8 and 9, 60 chains.

Between Concessions 4 and 5, road cut across Lot 5, 40 chains; cut and burned across Lots 7 and 8, 80 chains; and cut across Lot 9, 40 chains, and part of Lot 10, 5 chains.

Between Concessions 5 and 6, road cut across Lot 4, 40 chains.

Along the south boundary, road repaired for 80 chains.

A group of settlers on their way to the fall fair at Englehart, September 22nd.

Township of Chamberlain (northwest of Englehart, on Temiskaming & Northern Ontario Railway):

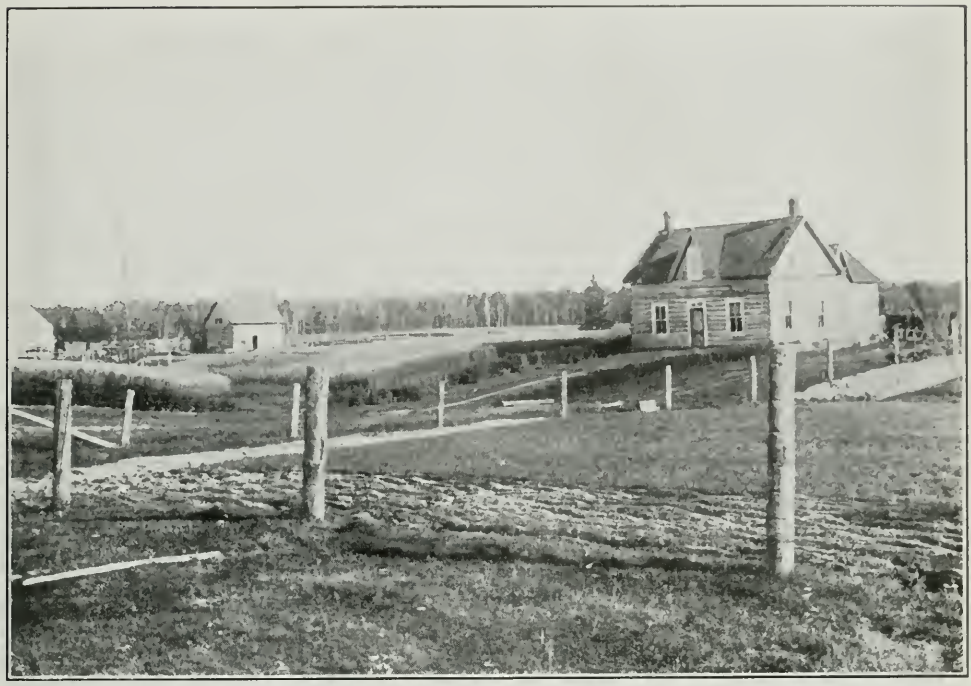
Between Lots 8 and 9, across Concession 3, road cut and partly burned for 80 chains.

Between Lots 10 and 11, across north half Concession 2, cut 40 chains; also across Concession 5, 80 chains cut and 40 burned.

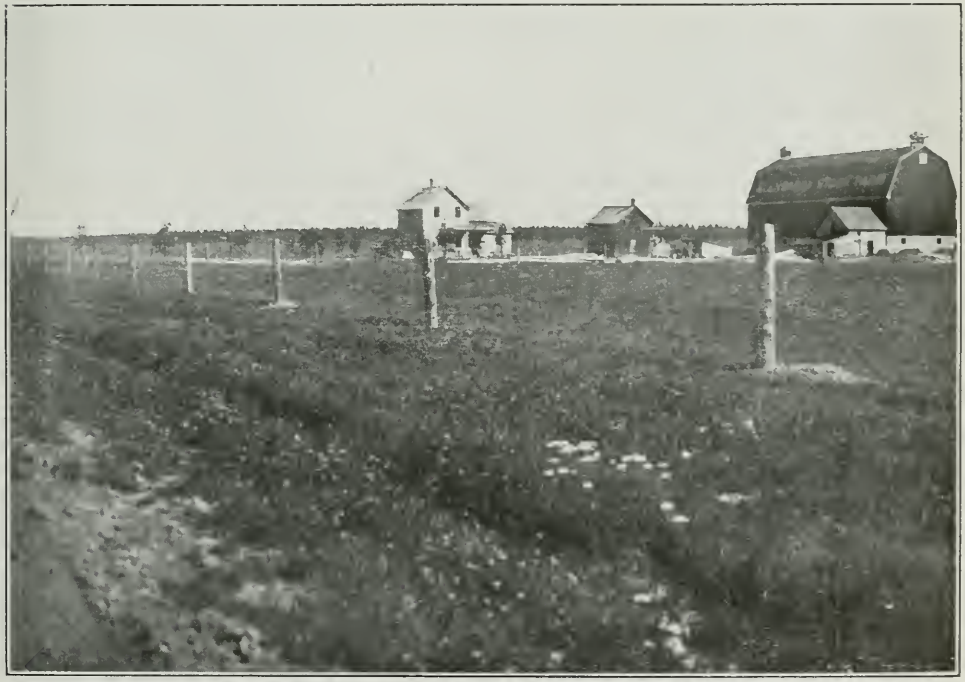
Along south boundary road cut across Lots 3 and 4, 82 chains.

Between Concessions 1 and 2, across part of Lots 7, 8 and 9, cut 72 chains.

Between Concessions 2 and 3, cut and graded across Lots 3, 4 and 5, 120 chains; also cut across Lot 6, 40 chains.



A settler's home near Earlton, on the T. & N. O. Railway.



Glengarry Stock Farm, north of New Liskeard, District of Temiskaming.

Between Concessions 4 and 5, cut and burned across Lot 11, 40 chains; cut and graded Lot 12, 40 chains.

Between Concessions 5 and 6, built a bridge across Ada Creek, Lot 5; cut and burned 28 chains across Lot 10, cut 12 chains on Lot 10, and cut 42 chains on Lots 11 and 12.

Along the north boundary regraded 1½ miles across Lots 10, 11 and 12.

Township of Savard (north-west of Charlton):

Along the south boundary, regraded 160 chains across Lots 7, 8, 9 and 10.

Between Concessions 1 and 2, graded 160 chains across Lots 3 and 4, 5 and 6, and built a bridge on Lot 5.

Bridge, 150 feet long, across the Blanche River at Englehart.

Between Concessions 2 and 3, cut across Lots 3, 4, 5 and 6, 160 chains.

Between Concessions 3 and 4, across Lot 1 and part Lot 2, cut 58 chains; across Lots 7, 8, 9 and 10, cut and burned 160 chains.

Between Concessions 4 and 5, graded across Lots 1, 2 3 and 4, 170 chains; cut across Lot 5, 40 chains; cut and burned across Lots 6, 8 and 9, 120 chains.

Between Concessions 5 and 6, cut across Lots 5, 6, 7 and 8, 160 chains.

Between Lots 2 and 3, cut and burned across south half Concession 1, 40 chains; cut across south half Concession 2, 40 chains; also cut across part of Concession 6, 15 chains.

Between Lots 4 and 5, cut and burned across south half Concession 1, 40 chains; cut across south half Concession 5, 40 chains; cut and burned across north

On the trunk road north of New Liskeard, showing the fine agricultural lands of Temiskaming District.

A well-to-do settler's home on the trunk road between New Liskeard and Englehart.

half Concession 5, 40 chains; cut across part of Concession 6, 56 chains; cut and burned across part Concession 6, 24 chains.

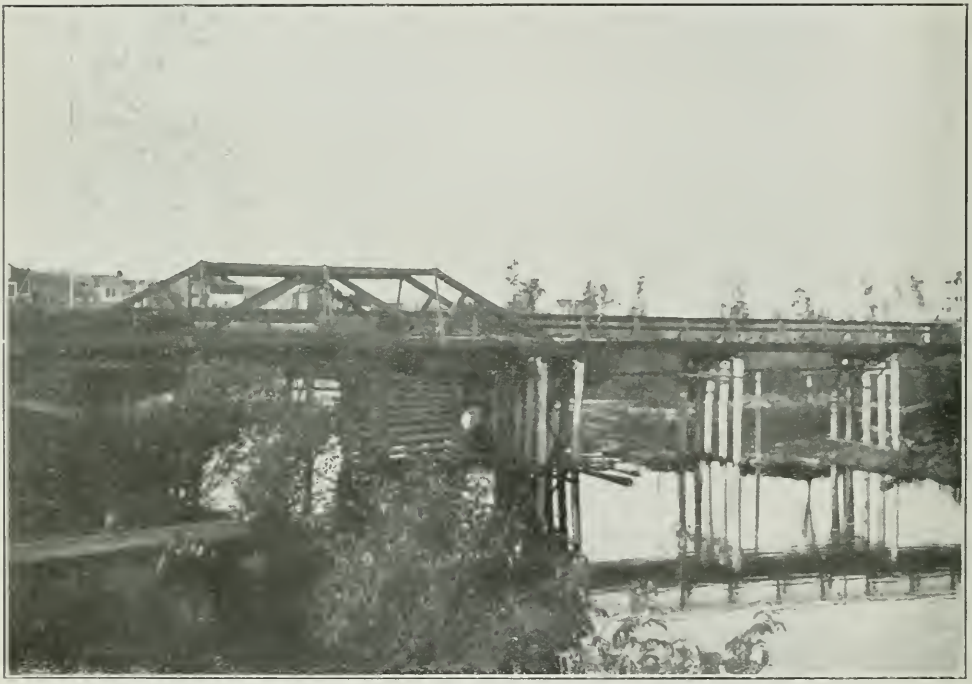
Between Lots 6 and 7, cut and graded across Concession 3, 80 chains, and south half Concession 4, 40 chains; also cut across north half Concession 4, 40 chains; also cut north half Concession 6, 40 chains.

Between Lots 8 and 9, cut and graded across Concessions 1, 2 and 4, 240 chains; also repaired road across Concession 3, 80 chains; also cut across Concession 6, 80 chains.

Along the north boundary, cut and burned across part Lot 2, 20 chains.

Township of Sharpe:

Between Concessions 4 and 5, cut across part Lot 8, 18 chains.



Bridge, 270 feet long, constructed in 1915 at the mouth of Bear Creek, near Elk Lake.

Township of Pense:

Between Concessions 3 and 4, across Lot 1 and part of Lot 2, cut 58 chains.

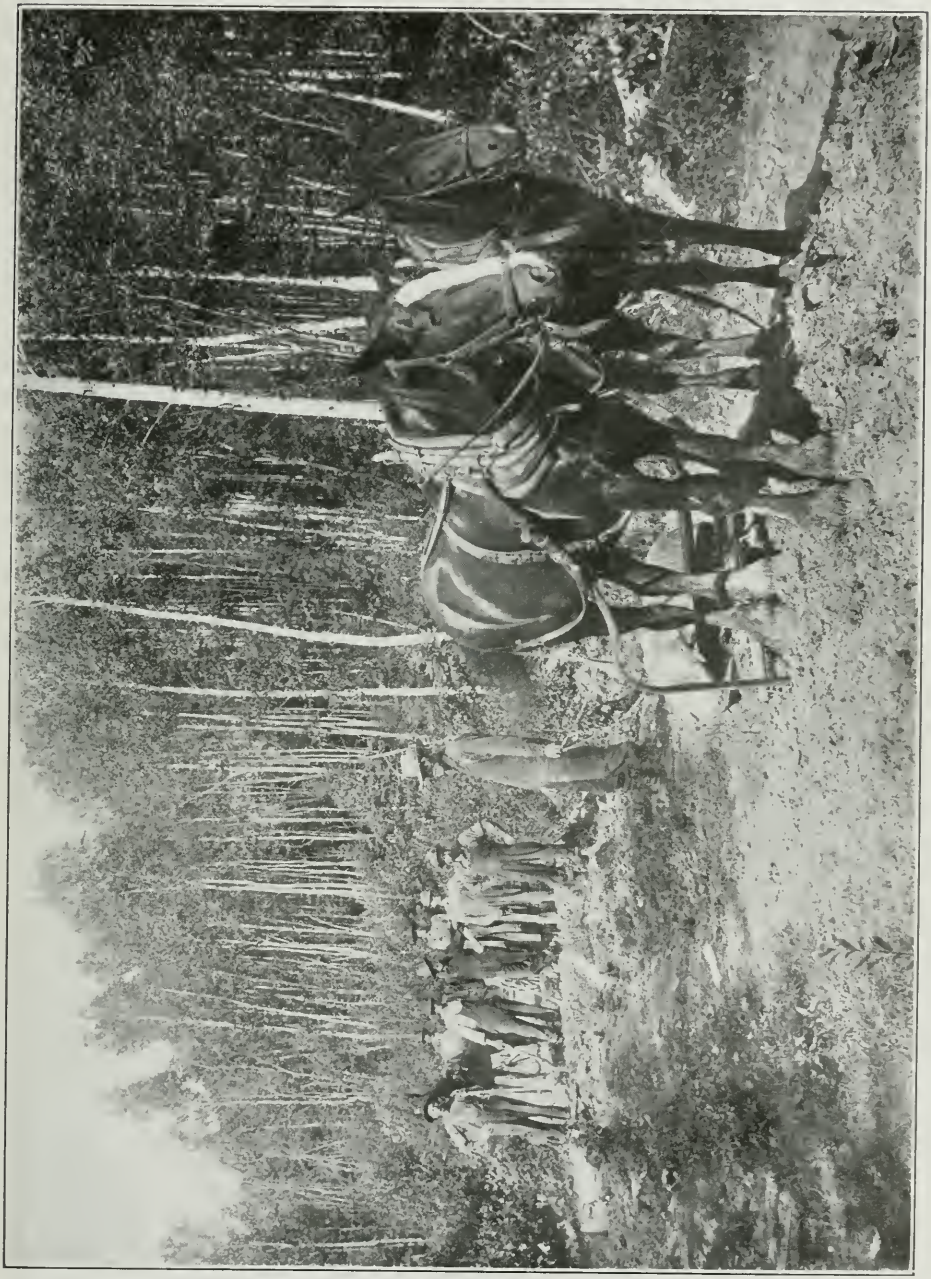
Township of Ingram:

Between Lots 6 and 7, ditched and graded 80 chains across Concession 3.

Between Lots 2 and 3, cut across Concession 4, 80 chains; cut and graded across Concession 5, 80 chains.

Along the south boundary constructed a large ditch to drain farms across Lots 1, 2, 3 and 4, 160 chains.

Between Concessions 3 and 4, cut across part Lots 9, 10, 11 and 12, 115 chains.



Road gang at High Falls on boundary between the Townships of Dack and Evanturel, commencing to cut out a new road in the forest.

Township of Evanturel:

Between Lots 2 and 3, cut across north half Concession 6, 40 chains.

Between Lots 4 and 5, cut across south half Concession 6, 40 chains; also 20 chains across north half Concession 5.

Between Lots 10 and 11, regraded south half Concession 5, 40 chains.

Between Lots 11 and 12, graded south half Concession 4, 50 chains.

Along the south boundary ditched and graded 130 chains.

Between Concessions 5 and 6 ditched and graded 170 chains across Lots 6 to 10.

Across Lots 7, 8 and 9 the road was surfaced with sand or clay.

A settler's home, Township of Evanturel, near Englehart.

A bridge was also constructed 137 feet in length across the Blanche River on Lot 10, between Concessions 5 and 6. The bridge is built on cedar piles 30 feet above the water, with one centre span of 60 feet and a short span at each end; the trusses are all of the best white and red pine, and the flooring is of tamarac.

On the north boundary of Lot 9, a corrugated iron culvert 6 inches in diameter and 30 feet long was used to replace a small wooden bridge.

Township of Dack:

Along the east boundary regraded road across Concession 4, 80 chains; also repaired hill on either side of the bridge over the Blanche River.

Between Lots 4 and 5, across north half Concession 5, cut 40 chains; also repaired road across Concession 6, 80 chains.

Harvesting near Milberta, 7 miles north of New Liskeard, District of Temiskaming.

A field of barley grown by Wm. Schell, north half Lot 1, Con. 3, Township of Dack.

Between Lots 6 and 7, cut and grubbed across Concession 5, 80 chains; also cut across south half Concession 6, 40 chains.

Along the south boundary, cut across Lot 11 and part of Lot 12, 70 chains.

Between Concessions 3 and 4, cut and burned across Lots 5 and 6, 80 chains.

Between Concessions 4 and 5, graded 40 chains across part Lots 4 and 5.

Township of Robillard:

Between Lots 2 and 3, cut across part Concession 3, 39 chains; also across Concession 6, 80 chains.

Between Lots 3 and 4, cut and burned across Concession 5, 80 chains.

Field of potatoes and oats grown by Wm. Schell, north half Lot 1, Con. 3, Dack, between Englehart and Charlton, on the T. & N. O. Railway.

Between Lots 4 and 5, cut across north half Concession 1, 35 chains; cut across south half Concession 6, 40 chains; cut and burned across north half Concession 6, 40 chains.

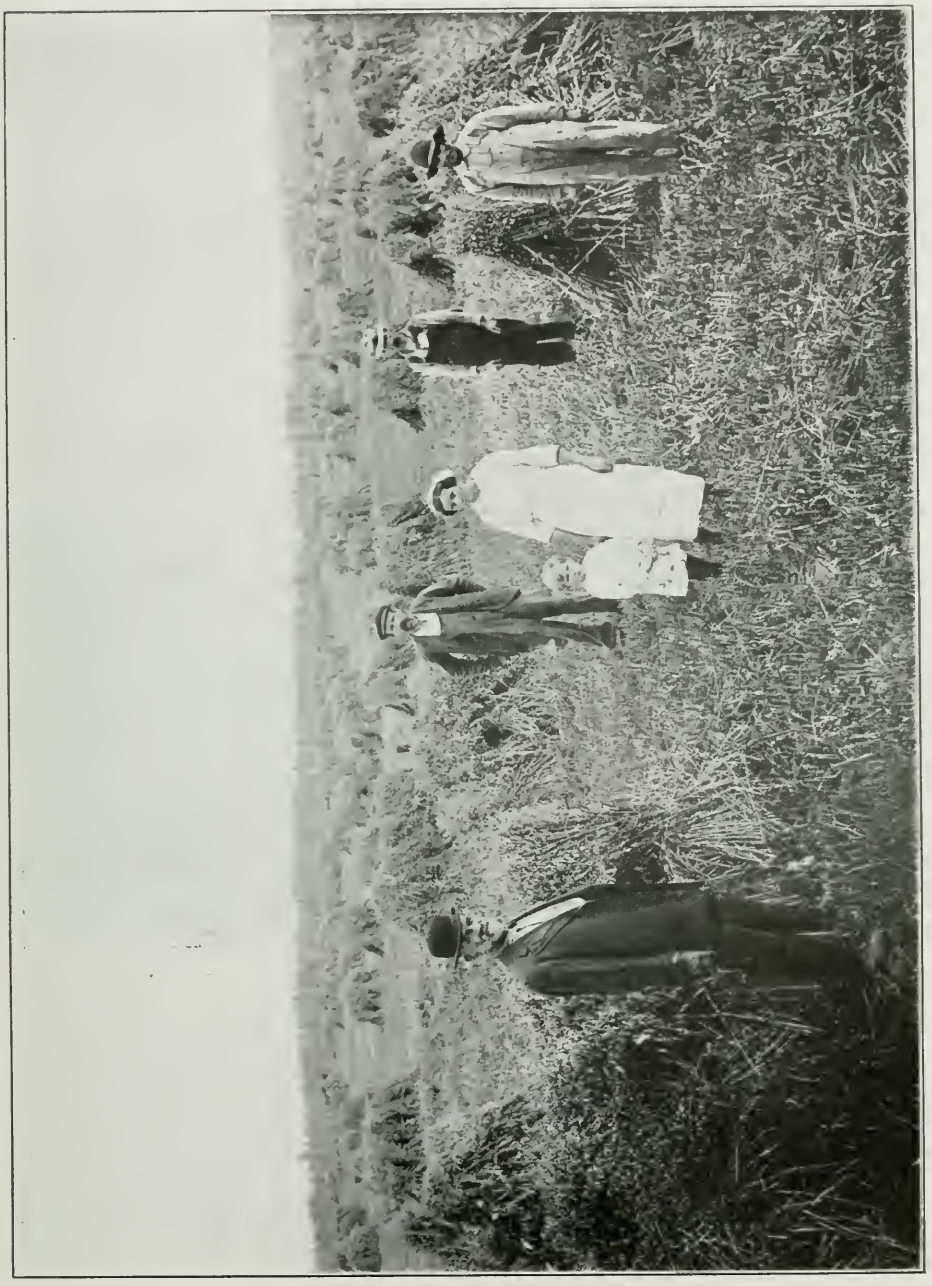
Between Lots 6 and 7, cut and burned across the north half Concession 6, 40 chains.

Between Lots 8 and 9, cut across part Concessions 2, 3 and 6, 100 chains; cut and graded across north half Concession 6, 40 chains.

Along the south boundary, across Lot 2, 40 chains graded.

Between Concessions 2 and 3, regraded old Elk Lake Road for a distance of 400 chains.

Between Concessions 5 and 6, cut across part of Lots 6, 7 and 8, 95 chains.



A field of oats grown by Wm. Schell, north half Lot 1, Con. 3, Township of Dack, near Englehart, on the T. & N. O. Railway.

Township of Armstrong:

Along the Temiskaming & Northern Ontario Railway, across Concessions 4, 5 and 6, repaired trunk road, 240 chains.

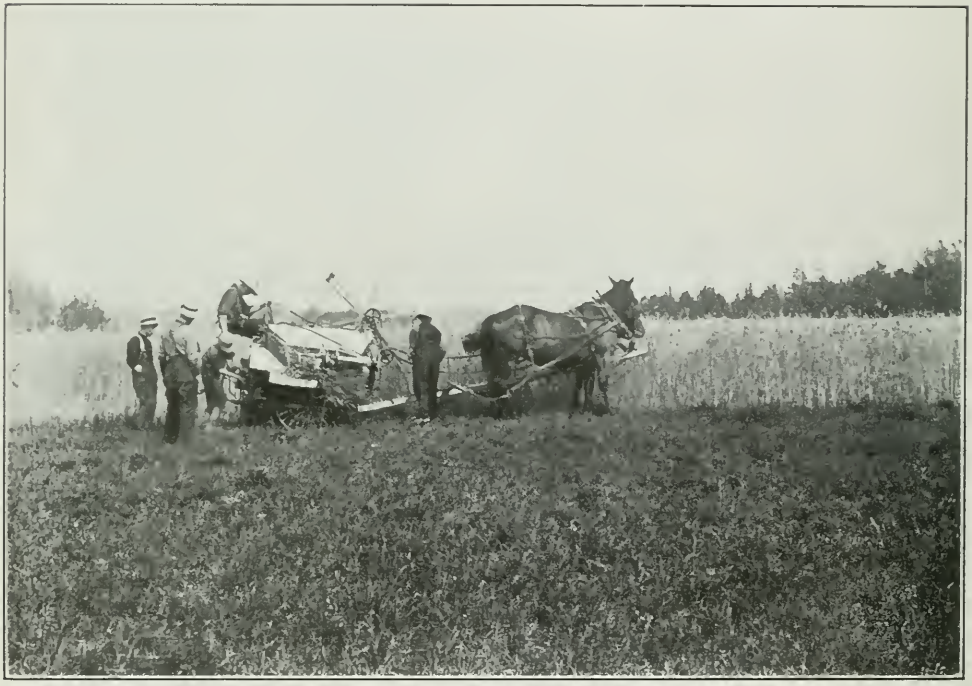
Between Concessions 4 and 5, graded 80 chains across part Lots 3, 4 and 5.

Township of Tudhope:

Between Lots 4 and 5, across Concession 6, 80 chains cut.

Township of James:

Built a bridge 260 feet in length over the Bear Creek, Elk Lake. This was constructed on the site of the old bridge built six years ago by prospectors and



A field of rye grown by Henry Shafner, north half Lot 12, Con. 1, Township of Evanturel, on the T. & N. O. Railway near Englehart.

settlers. The bridge was unsafe for traffic. The new bridge was constructed of cedar piles, cedar caps, and British Columbia fir stringers; the flooring was of 3-inch tamarac planks.

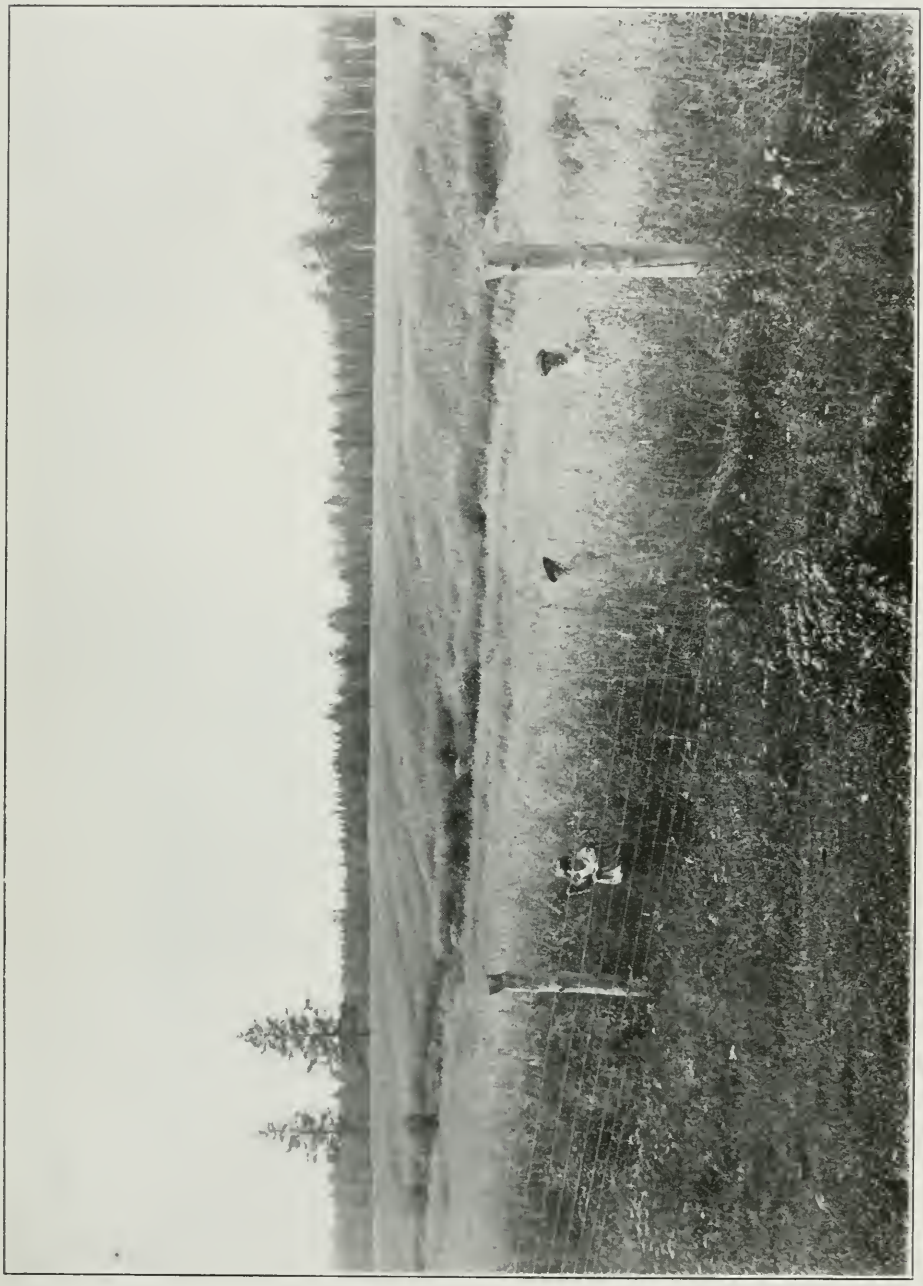
Along the Elk Lake Branch of the Temiskaming & Northern Ontario Railway, from Paragon Mine Road to old Elk Lake Road, a distance of 150 chains, road cut out on Lots 1 and 2, Concessions 2 and 3.

Township of Henwood:

Along the south boundary, cut across Lots 11 and 12, 80 chains.

Between Concessions 2 and 3, cut across part of Lots 9 and 10, 50 chains.

Between Lots 10 and 11, cut across part of Concessions 1 and 2, 80 chains.



A field of oats grown by H. J. Anderson, south half Lot 1, Con. 3, Township of Chamberlain, T. & N. O. Railway, north of Englehart.

Township of Cane:

Between Lots 4 and 5, across Concession 2, cut 76 chains.

Between Concessions 2 and 3, across Lot 4, cut 40 chains.

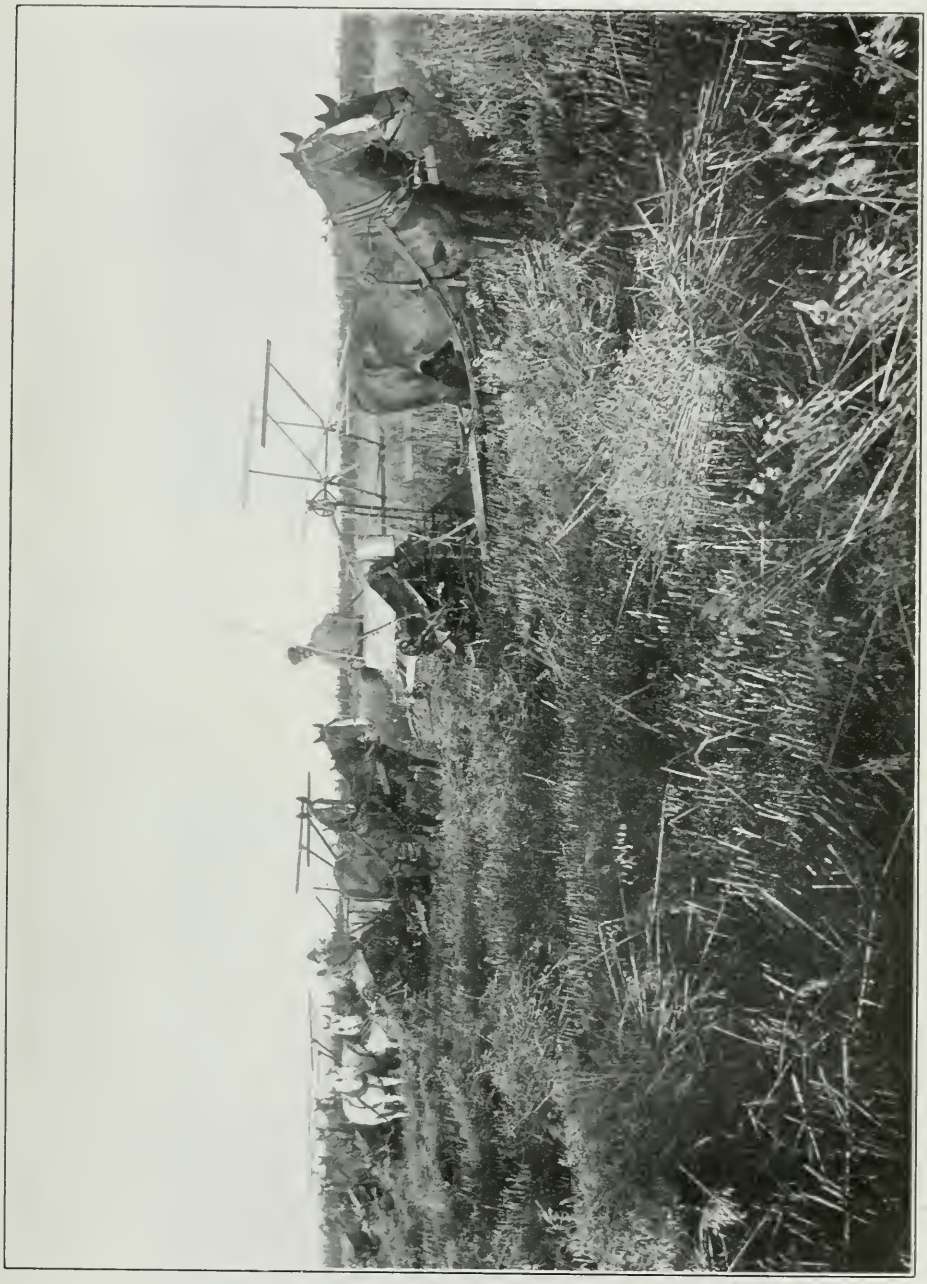
Between Concessions 3 and 4, across part of Lots 2 and 3, cut 33 chains.

Between Townships of Auld and Lundy, across part of Concession 6, cut 40 chains.

During the winter of 1914 there was considerable distress among settlers in the newly settled townships owing to the general conditions obtaining during the months following the outbreak of war. It was found necessary to give work to those who were destitute in cutting roads in front of their farms or in the immediate vicinity. This accounts for the numerous short roads cut out and not graded above mentioned.

A warehouse was constructed at Englehart on the property of the Temiskaming & Northern Ontario Railway Commission for the storing and handling of seed grain. This building, when not in use for that purpose, was used for the storing of road machinery and plant.

Settler's home in Pense Township.



A field of 140 acres of oats grown by D. Stewart, 1 mile from Earlton. Adjoining field, 165 acres of spring wheat and 50 acres of fall wheat

Clearing land in Evanturel Township.

New road on the boundary between the Townships of Armstrong and Evanturel

Road south of Heaslip.

Settler's home in Marquis Township.

Field of oats in Evanturel Township.

Settler's home in Savard Township.

Field of wheat in Chamberlain Township, T. & N. O. Railway.

Farm in Dack Township, T. & N. O. Railway.

ROADS IN THE VICINITY OF MATHESON, IN THE DISTRICT OF TEMISKAMING.

Number of miles of road cut out	105¾
Number of miles of road graded	27¼
Number of miles of road partly graded, repaired or improved	28½
Total number of miles of road under construction	139¼
Number of bridges built	2

Township of Carr:

Road between Concessions 1 and 2, cut out and grubbed, ½ mile.

Road between Lots 4 and 5, across Concessions 2, 3 and 4, 3 miles, improved with road drag; also road on boundary between the Townships of Carr and Bowman, across Lots 5 to 12, and the road between the Townships of Taylor and Currie, across Lots 1 to 6, 7 miles in all.

The trunk road along the Temiskaming and Northern Ontario Railway was repaired with road drag, across Lots 7 to 11, Concessions 1 and 2.

The Munro Road was widened from 24 feet to 28 feet, from between Lots 4 and 5, Carr, to the line between Lots 10 and 11, Beatty, 3½ miles; the culverts were repaired and renewed where necessary.

The following roads were also cut out:

Between Lots 4 and 5, across Concession 6, 1 mile.

Between Concessions 2 and 3, across part of Lot 10, Lots 11 and 12, 2¼ miles.

Between Lots 10 and 11, across Concession 3, 1 mile.

Between Lots 8 and 9, across part of Concessions 1 and 2, from the Temiskaming and Northern Ontario Railway north to the Black River, 1¾ miles.

Between Concessions 3 and 4, across Lots 5 and 6, 1 mile.

Between Concessions 5 and 6, across Lot 5, ½ mile.

Between Concessions 4 and 5, across Lot 5, ½ mile.

Between Lots 2 and 3, across Concessions 4 and 5, 2 miles.

On the trunk road, along the right of way of the Temiskaming and Northern Ontario Railway, the bridge on Lot 10, Concession 2, over the Wahtaybeg Creek, was raised and lengthened. This was found necessary owing to the raising of the water in the Black River, caused by the building of the dam at Iroquois Falls and the flooding back, which raised the water on the Wahtaybeg River to a height of about eight feet or more. The approach at the north end of the bridge was raised and the hill cut down, so that the road is now in good condition.

Further north on the Wahtaybeg River, on the trunk road from Matheson to Shillington, on Lot 11, on the town line between the Townships of Bowman and Carr, the old bridge was found to be in bad condition, and could not be raised. It was found necessary to construct a new bridge, and raise the approaches at either side. This new bridge has a centre span of 60 feet, and a short span on either side of about 30 feet each. It was built on cedar piles; the timber for the trusses and stringers is white pine, with the flooring of tamarac.

Township of Bowman:

The road between Lots 6 and 7, across Concessions 4 and 5, was graded for 1½ miles.

The trunk road along the Temiskaming and Northern Ontario Railway was repaired with road drag across Lots 1 to 4, 2½ miles.

The following roads were cut out:

Between Lots 4 and 5, across Concessions 2 and 3, 2 miles.

Between Concessions 3 and 4, across Lots 5 to 12 inclusive, 4 miles.

Between Lots 2 and 3, across part of Concession 6, and Concessions 5 and 4, 2¾ miles.

Between Concessions 4 and 5, across Lot 1, and Lots 11 and 12, 1½ miles.

Between Concessions 5 and 6, across parts of Lots 11 and 12, ½ mile.

Between Concessions 3 and 4, across Lots 11 and 12, 1 mile.

Township of Currie:

The road between Lots 4 and 5 was cut out across Concession 4 (1 mile), grubbed across Concession 5 (1 mile), and graded across Concession 6 (1 mile).

The following roads were cut out:

Between Concessions 4 and 5, across Lots 1 to 5 inclusive, 2½ miles.

Between Lots 8 and 9, across Concession 6, 1 mile.

Between Concessions 5 and 6, Lot 1, ½ mile

Between Concessions 3 and 4, across Lot 1, ½ mile.

Between Concessions 2 and 3, across Lots 3 and 4, 1 mile.

Township of Taylor:

Road between the Townships of Taylor and Stock was cut out across Concessions 1, 2, 3, 5 and 6, 5 miles; and graded across Concessions 1, 2, 3, 5 and 6, 4½ miles.

Road between Lots 4 and 5, across Concessions 1 and 5, cut out, 2 miles; and graded across Concession 1, 1 mile.

Road between Concessions 1 and 2, cut out across Lots 1, 2, 3, 4, 5, 6 and 8, 3½ miles; and grubbed across Lots 4 and 5.

Road between Concessions 4 and 5 was graded across Lots 9 to 12 for 2 miles.

The following roads were cut out:

Between Lots 10 and 11, across Concession 1 and part of Concession 3, 1½ miles.

Between the Townships of Taylor and Carr, across parts of Concessions 5 and 6, ½ mile.

Between Concessions 3 and 4, across Lots 10 and 11, 1 mile.

Between Lots 8 and 9, across Concessions 2 and 3, 2 miles.

Between Lots 6 and 7, across Concession 4 and part of Concession 5, 1¾ miles.

Between Concessions 2 and 3, across Lot 8, ½ mile.

Between the Townships of Taylor and Walker, across part of Lot 1, Lots 2, 3 and 4, 1¾ miles.

Township of Stock:

The following roads were cut out:

Between Concessions 4 and 5, across Lots 3 and 4, 1 mile.

Between Concessions 3 and 4, across Lots 1 and 2, 1 mile.

Between Lots 2 and 3, across Concessions 1 and 2, 2 miles.

Township of Beatty:

Road between Concessions 2 and 3, cut out across part of Lot 5, and Lots 6 to 13 inclusive, 4¼ miles; and grubbed all except Lots 5 and 13, and graded across part of Lot 7, and Lots 8 to 12 inclusive, 2¾ miles.

Road between Concessions 3 and 4 cut out and graded 2½ miles across Lots 9 to 13.

Road between Townships of Beatty and Hislop cut out and grubbed across Lots 1 to 4, 2 miles, and graded across Lots 1 to 7, 3½ miles; road cut out between Concessions 1 and 2, across Lots 7, 8 and 13, 1½ miles.

Township of Hislop:

The trunk road along the Temiskaming and Northern Ontario Railway was repaired with road drag across Lots 10 to 13, 2½ miles.

The following roads were cut out:

Between Concessions 5 and 6, across Lots 4 to 8, 2½ miles, and across Lots 12 and 13, 1 mile. Three culverts were built and several hills cut down.

Between Concessions 1 and 2, across Lots 10 and 11, 1 mile.

Between Concessions 2 and 3, across Lot 13, ½ mile.

Between Concessions 3 and 4, across Lots 12 and 13, 1 mile.

Between Concessions 4 and 5, across Lot 9, ½ mile.

Township of Bond:

Road between the Townships of Stock and Bond cut out across Lots 6, 7, 8 and 9, 2 miles, and graded across Lots 6 to 9, for 1¾ miles. This road was improved for 1 mile across part of Lots 4, 5 and 6.

Road between the Townships of Bond and Currie was cut out across parts of Concessions 2 and 3, and Concessions 4, 5 and 6, for 3½ miles, and graded across part of Concession 6, ½ mile.

The following roads were cut out:

Between Lots 2 and 3, across Concession 6 and part of Concession 5, 1½ miles.

Between Lots 4 and 5, across Concession 6, 1 mile.

Between Lots 6 and 7, across Concessions 5 and 6, 2 miles.

Between Concessions 2 and 3, across Lots 1 and 2, 1 mile.

Township of Benoit:

The following roads were cut out:

Between Concessions 1 and 2, across Lots 7, 8, 9 and 10, 2 miles.

Between Concessions 2 and 3, across Lots 3, 4, 5 and 6, 2 miles.

Between Lots 6 and 7, across Concessions 2 and 3, 2 miles.

Between Lots 8 and 9, across part of Concession 1, ½ mile.

Between Lots 10 and 11, across Concession 1, 1 mile.

Township of Maisonville:

The following roads were cut out:

Between Lots 10 and 11, across Concession 6, 1 mile.

Between Lots 8 and 9, across part of Concession 6, ½ mile.

Township of Walker:

The road between the Townships of Walker and Clergue was cut out across part of Concession 1, ½ mile, and graded across Concessions 1 and 2, 2 miles.

The following roads were cut out:

Between Concessions 2 and 3, across Lots 4, 5, 6 and 7, 2 miles.

Between Concessions 4 and 5, across Lot 12, ½ mile.

Between Lots 4 and 5, across part of Concession 3 north to the Black River, ¾ mile.

Between Lots 8 and 9, across Concessions 2 and 3, 2 miles.

Between Lots 10 and 11, across part of Concession 3, ½ mile.

Township of Playfair:

The following roads were cut out:

Between Concessions 5 and 6, across Lots 1 to 7, 3¼ miles; this road was graded.

Between Lots 7 and 8, across Concession 6, 1 mile.

Township of Clergue:

The following roads were cut out:

Between Concessions 1 and 2, across Lots 1, 2, 3 and 4, 2 miles.

Between Concessions 2 and 3, across Lots 2 and 3, 1 mile.

Between Concessions 5 and 6, across Lots 1 and 2, 1 mile.

Between Lots 4 and 5, across part of Concession 1, ¾ mile.

Townships of Munro and Guibord:

Road between these two townships was cut out and graded across Lots 11 and 12, 1 mile.

A warehouse was constructed at Matheson, 50′ x 22′, on the lands owned by the Public Works Department, for the storing and handling of seed grain. When not in use for that purpose, the building was used in the storing of machinery and plant.

PORCUPINE MINING SECTION.

Number of miles of new road cut out	3
Number of miles of road re-surfaced	6
Total number of miles of road under construction	9

Owing to the heavy traffic between the different mines in the Porcupine district, more particularly between the Town of South Porcupine and the Matagami River, passing through the Village of Schumacher, the Dome Mines, the McIntyre Mine and the Town of Timmins: it was found necessary to re-surface this road with crushed rock from the different mines along the road.

The work commenced at Golden City, and the worst parts of the road constructed the previous season were re-surfaced with coarse gravel or crushed rock. A new road was cut out and surfaced, between Timmins Station in the Town of Timmins and the Matagami River, a distance of over one mile. The greater part of the road between South Porcupine and Timmins was also resurfaced with crushed rock from the mines.

There is now a first-class road from the Matagami River to Golden City.

The road was also cut out and cleared along the town line between the Townships of Tisdale and Mountjoy, across Concession 3. From the Matagami River opposite the trunk road, the road was constructed in a north-westerly direction, along the bank of the river to join the line between Concessions 2 and 3 in the Township of Mountjoy. This road was cut out and burned ready for grading, for a distance of two miles.

Twenty-two corrugated iron culverts were placed.

A view in the Porcupine Gold District on the trunk road from Golden City to the Mattagami River, showing the Town of Timmins.

Bridge and dam, 517 feet long, across the Frederickhouse River at Connaught on the Porcupine Branch of the T. & N. O. Railway.

ROADS CONSTRUCTED ALONG THE LINE OF THE TRANSCONTINENTAL RAILWAY, EAST AND WEST OF THE TOWN OF COCHRANE, AND SOUTH ALONG THE LINE OF THE TEMISKAMING AND NORTHERN ONTARIO RAILWAY TO PORQUIS JUNCTION; AND ALONG THE PORCUPINE BRANCH THEREOF.

Number of miles of road cut out	83¼
Number of miles of road graded	38¼
Number of miles of road partly graded, repaired or improved	12¼
Total number of miles of road under construction	127¼
Number of bridges built	9

Township of German:

Ditches were constructed along the roads on west boundary across part of Concession 4; between Concessions 4 and 5, across part of Lots 11 and 12; and between Lots 10 and 11, across parts of Concessions 5 and 6, 2 miles.

Road in the centre of Concession 6, cut, grubbed and burned across the west part of Lot 12 from the Frederickhouse River west to the west boundary of the Township of German, ¼ mile. The road leads to the bridge, 450 feet in length, constructed across the Frederickhouse River at the head of Frederickhouse Lake. The bridge was constructed in connection with the building of a dam, erected to raise the waters in the Frederickhouse River and Night Hawk Lake and tributaries so as to improve navigation on said lake and rivers, to assist in lumbering operations, and in the transportation of supplies to the different mines in the vicinity of the lake. The bridge is built on cedar piles and pine stringers, with abutments of cedar. Adjacent to the bridge is a dam, built of cedar above the water and spruce below, and filled with gravel and stone in front; two sluice-ways, each 24 feet wide, were left to regulate the depth of the water in the lake and river above the dam. The river, with the exception of about 50 feet towards the west side, was very shallow, with clay bottom. The construction of this dam will make good navigation for small tugs and gasoline launches throughout the summer season for nearly 30 miles. Night Hawk Lake, which is over 12 miles in length by 8 miles in width, is very shallow during the low water period. In August and September there is not more than three feet of water over the greater portion, except in a channel about 50 feet wide, which is difficult to follow. There is a good settlement along the Frederickhouse River above the dam, and large quantities of first-class spruce and other timber adjacent to the lake and river.

Township of Clergue:

Road along east boundary graded across Concessions, 6, 5 and part of 4, 2½ miles.

Road between Lots 10 and 11, graded across south half Concession 6, ½ mile. Cut out, grubbed and burned across Concessions 5 and 4, and also between Concessions 3 and 4 across Lots 11, 12 and part of Lot 1, in Dundonald, to the Alexo Mine siding, 3¼ miles. This road connects the Alexo Nickel Mine with Porquis Junction.

Township of Calvert:

The trunk road along the T. & N. O. Ry. was completed from Porquis Junction north to Nellie Lake Siding, 3 miles. The road across Concession 1 was ditched and graded. The remainder was over a sand deposit, which required no grading; the timber consisted of partly burned jack-pine, and this was completely burned and grubbed.

Road along the south boundary. On this road 6 old culverts were repaired, and one bridge, 24 ft. span, was built on Lot 6. One mile was regraded across Lots 7 and 8, and one mile of new grading done across Lots 5 and 6. This road is now complete across Lots 5 to 12, both inclusive, and extends west to the Frederickhouse River between the Townships of McCart and Dundonald.

Rossing pulpwood on the T. & N. O. Railway near Cochrane.

Cut out and grubbed between Lots 5 and 6, across Concession 1; between Concessions 1 and 2, across Lot 5, and between Lots 4 and 5, across Concession 2, 2½ miles in all. This road will form the trunk road between Porquis Junction and Iroquois Falls.

Graded along south of the right of way of the Iroquois Falls branch of the T. & N. O. Ry. in Concession 3, across Lots 3 and 4, 1 mile.

Road between Concessions 1 and 2, cut out, grubbed and burned across Lots 12, 11 and part of 10 to trunk road along the railway, 1¼ miles.

Road between Concessions 2 and 3, cut out, grubbed and burned across Lots 12, 11 and part of 10 to above-mentioned trunk road, 1¼ miles. This is across sand, and is a good road without grading.

Township of McCart:

Road between Concessions 2 and 3, cut out across Lots 1, 2 and 3, 1½ miles. A bridge 100 feet long was built across an arm of Wilson Lake on Lot 1, Concession 2.

Road between Concessions 4 and 5, cut out and burned across Lots 8 and 9, 1 mile.

Road along east boundary cut out across south half Concession 4, ½ mile.

Township of Brower:

Road between Concessions 1 and 2, cut out and burned across Lot 1 and part of 2, ¾ mile.

The settler's first crop in Northern Ontario, near Cochrane, on the Transcontinental Railway and T. & N. O. Railway.

Road between Concessions 2 and 3, cut out across Lot 5, ½ mile; cut out and burned across Lots 9, 10, 11, and half of Lot 12, 1¾ miles.

Road between Concessions 3 and 4, graded across Lots 9, 10 and part of 11, 1¼ miles. Erected bridge over creek on Lot 9.

Road between Concessions 5 and 6, cut out and burned across Lot 9, ½ mile.

Road along east boundary, cut out across Concession 4, 1 mile.

Road between Lots 2 and 3, cut out and burned across north half of Concession 2, ½ mile. Completed burning across Concessions 4 and 5. Ditched and graded across part of Concession 6, ½ mile.

Road between Lots 6 and 7, cut out and burned across Concession 3, 1 mile. Cut out, grubbed and burned across Concessions 5 and 6, 2 miles.

Road between Lots 8 and 9, cut out and burned across Concessions 2, 3 and 4, 3 miles. Cut out, grubbed and burned across Concessions 5 and 6, 2 miles.

Township of Kennedy:

Cut out and burned road allowance between Concessions 2 and 3, across Lots 13, 14, 18 to 25, 250 chains.

Between Concessions 4 and 5, across Lots 15 to 24, 250 chains. Total 6.3 miles.

Township of Calder:

The following roads were cut out and burned:—
Across Lots 1 and 2 on south boundary, 50 chains.
Across Lots 1, 2, 3 and 4, between Concessions 2 and 3, 100 chains.
Across Lots 1, 2, 3 and 4, between Concessions 4 and 5, 100 chains.

L. Bieleek's farm, Con. 6, Township of Lamarche, 3 miles west of Cochrane.

Across Lots 5, 19, 20, 21, 22, 26, 27, 28, between Concessions 8 and 9, 200 chains.

Across Lots 1, 2, 3, 13, 14, 15, 16, 17, between Concessions 10 and 11, 200 chains.

Across Concessions 5 and 6, between Lots 18 and 19, 120 chains.

Total, 9.7 miles.

Township of Glackmeyer:

Road along south boundary, repaired across parts of Lots 15, 16 and 23, 1 mile.

Road between Concessions 1 and 2 along north limit of the townsite of Cochrane was repaired and regraded, $^3/_4$ mile.

Road from the north boundary of the Town of Cochrane to the cemetery on north half of Lot 22, Concession 2, was constructed along the old dump of the gravel spur from Transcontinental Railway, $\frac{3}{4}$ mile. A bridge was constructed across a small creek and ravine forming the outlet on Commando Lake. The bridge was constructed on cedar piles, 2 bents, and was 60 feet long.

Road between Concessions 8 and 9, cut and burned across Lots 7, 8, 9, 10, 11 and 12, 2 miles.

Road between Concessions 10 and 11, cut out across Lots 12, 20 and 21, 1 mile.

Road between Lots 24 and 25, regraded across Concessions 3 and 4, $1\frac{3}{4}$ miles. New road constructed across Concessions 5 and 6, part of Concession 5 having been cut in 1913, $1\frac{3}{4}$ miles. Road repaired across Concession 2, $\frac{1}{2}$ mile.

Porquis Junction, Temiskaming & Northern Ontario Railway.

Township of Fournier:

Road between Concessions 2 and 3, cut out and burned across Lots 1, 2 and 3, $1\frac{1}{2}$ miles, and grubbed across Lots 1 and 2, 1 mile.

Road between Concessions 3 and 4, ditched and graded across Lots 1 and 2, 1 mile.

Road between Concessions 4 and 5, cut out and burned across Lot 1, part of 2, and Lots 4, 5 and 7, $2\frac{1}{2}$ miles.

Road between Concessions 5 and 6, cut out and burned across Lots 1, 2, 3, 4, 5 and 6, and west half of Lot 8, $3\frac{1}{2}$ miles.

Road between Lots 10 and 11, ditched and graded north part of Concession 6, $\frac{3}{4}$ mile. Cut out and burned north half Concession 5, $\frac{1}{2}$ mile.

Road along east and north boundaries, renewed $1\frac{3}{4}$ miles of burned over corduroy.

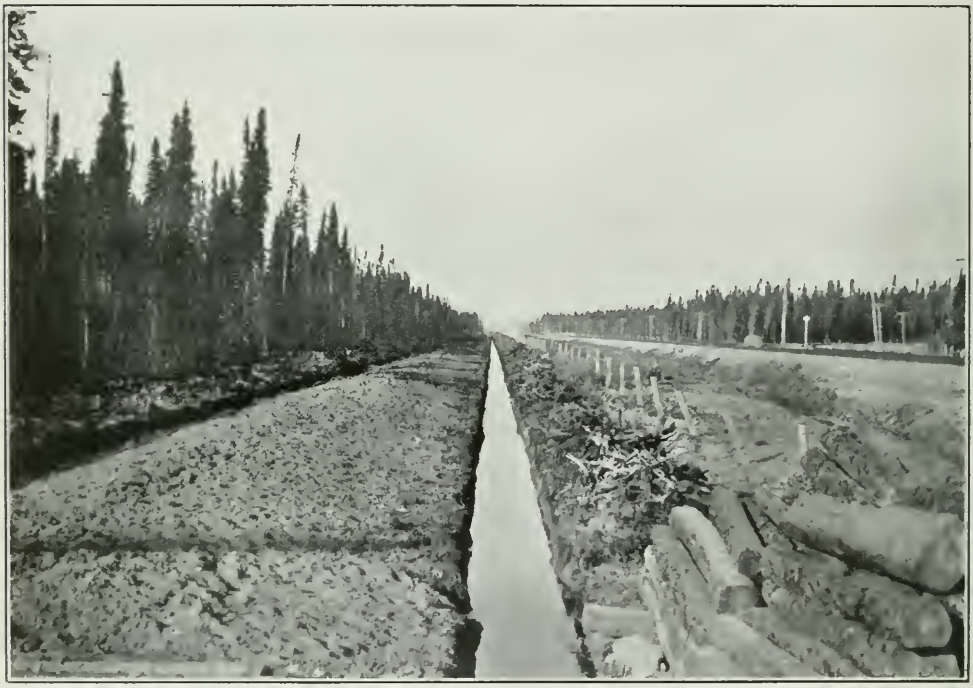
Township of Lamarche:

Road between Concessions 1 and 2. The clearing across Lots 1, 2, 3, 4, 5 and 6 had been done in 1913. This year the grading was completed, making a good road out to Wicklow Siding on the T. & N. O. Ry., 3 miles. Road cut out across Lot 10, ½ mile.

Road between Concessions 4 and 5, cut out and burned across Lots 1, 2, 5 and 6, 2 miles.

Road between Lots 2 and 3, cut out and burned across Concession 3, 1 mile.

Road between Lots 4 and 5, cut out and burned across Con. 6, 1 mile. Grubbed and ditched across north half Concession 6, ½ mile.



Looking north along the T. & N. O. Railway near Porquis Junction, showing partly completed road through spruce swamp.

Road between Lots 6 and 7, repaired three culverts and portions of burned corduroy across Concession 5, 1 mile; across Lots 7 and 8, between Concessions 5 and 6, 1 mile; and north between Lots 8 and 9, across part of Concession 6, ½ mile.

Road between Lots 10 and 11, cut out and burned across Concessions 2 and 3, 2 miles.

Township of Clute:

Road along south boundary completely built across Lots 20, 21, 22, 23, 24 and part of 25, 1¾ miles. Lots 23, 24 and 25 having been cut and burned in 1913. Repair work was done across Lots 13 and 14, ½ mile.

A bridge was constructed across the Frederickhouse River on the town line between Clute and Fournier, on Lot 10, Concession 1, Clute. The bridge has a length of 200 feet, and consists of three 60-ft. spans, with two rock-filled abutments and piers built of tamarac and western fir; the stringers are of western fir and the flooring of tamarac.

Road between Concessions 2 and 3, cut out and burned across Lots 8, 9, 22, 23, and 24, 1¾ miles. Ditched and graded across Lots 1, 2, 3, 10, 14, 15, 16, 17, 18, 26 and 27, 3¾ miles.

Road between Concessions 4 and 5, cut out and burned across Lots 18, 19, 20, 26, 27 and 28, 2 miles. Ditched and graded across parts of Lots 4, 5 and 6, 1 mile. Ditched and graded across Lots 11, 12, 13, 14 and 15, 1½ miles.

Road between Concessions 8 and 9, cut out and burned across Lots 6, 7, 10, 11 and 12, 1¾ miles. Cut out, burned and grubbed across Lots 19 to 22, 1¼ miles.

Road between Concessions 10 and 11, cut out and burned across Lots 13, 14, 22 to 28, 3 miles. Cut out across east half of Lot 19, 12 chains.

Road on north boundary, cut out and burned across Lots 22, 23 and 24, 1 mile. Grubbed, ditched and graded across Lots 4 to 8, 1¾ miles.

Road between Lots 12 and 13, cut out and burned across Concessions 9 and 10, 1¾ miles.

Road along west boundary ditched and graded across parts of Concessions 9, 10, 11 and 12, 2½ miles. A small bridge, which was burned, was rebuilt, and repair work done on Concessions 6 and 7.

Township of Leitch:

Road between Concessions 4 and 5, cut out and burned across Lots 1 and 2, ⅝ mile.

Township of Blount:

Road between Concessions 2 and 3, cut out across part of Lot 28, ⅛ mile.

Township of Fauquier:

Road along the north boundary of the Transcontinental Railway, across Lots 2 to 12, inclusive. This road was graded to Moonbeam Station on Lot 12, 4½ miles. A number of small culverts were built. An additional distance of 2 miles west was partly built across Lots 13 to 18 and 2 bridges constructed, each of 25-ft. span, on Lots 15 and 17.

Road between Lots 12 and 13. This road was cut out and burned across Concessions 3, 4, 5 and 6, 3 miles.

Township of Shackleton:

In the Townsite of Fauquier the street along the railway to the station was graded, ¼ mile.

Road between Lots 18 and 19, cut and burned across Concession 10, 40 chains.

Road between Lots 24 and 25, cut and burned across Concessions 9, 10 and 11, 2½ miles.

A warehouse was constructed at Cochrane on the property of the Temiskaming and Northern Ontario Railway Commission for the storing and handling of seed grain. This building, when not used for that purpose, was used for the storing of road machinery and plant.

ROADS IN THE VICINITY OF THE TOWN OF HEARST, TRANS-CONTINENTAL RAILWAY.

Summary of Roads Constructed.

Number of miles of road cut out	$16\frac{3}{4}$
Number of miles of road graded	$9\frac{3}{4}$
Number of miles of road partly graded, repaired or improved	4
Total number of miles under construction	$33\frac{1}{2}$
Number of bridges built	5

Township of Kendall:

Trunk Road—

This road runs along the north boundary of the Transcontinental Railway right of way east and west from the Town of Hearst, through the Townships of Kendall, part of Way, and part of Hanlan. At the Mattawishquia River the bridge, for which the abutments were built last season, was erected and completed. The bridge has two spans, one of 60 feet and the other of 40 feet; the centre pier is filled with rock, and so are the abutments at each end. The bridge was built twelve feet above ordinary high water level, and five feet above extreme high water level. On Lots 17 and 18, two small bridges were completed, one of 30 feet, and one of 25 feet span; and ditching and grading was done ½ mile across Lot 18 and part of Lot 17 to complete the road to a point 1 mile west of Omo Station, 10 miles east of Hearst, in the Township of Devitt. One 12-foot culvert was placed on Lot 12, Concession 10; corduroy was laid on Lots 7 and 9 for a distance of 1,500 feet. Across Lot 19 and part of 20 the road was graded ½ mile, and ditched and graded across Lot 5, 25 chains. This road is now ditched and graded, and open for traffic for 8 miles east of Hearst.

West of the Town of Hearst, 60 chains of ditching and grading was done along the north boundary of the Transcontinental Railway yards to the west boundary of the Township of Kendall to connect with the boundary road running north, and the road was regraded $\frac{3}{4}$ mile across Lots 25, 26 and part of 27. Two culverts were placed and three off-takes dug.

Road between Concessions 10 and 11. Ditched and graded across Lots 19, 20 and 21, 1 mile. This was connected by grading along the east bank of the river to the trunk road along the railway ½ mile. Cut out, burned and grubbed across Lots 13 to 18, 2 miles. A bridge of 30 feet span was partly constructed on Lot 19.

Road between Lots 12 and 13. Ditched and graded across part of Concession 10, 50 chains.

Road between Lots 18 and 19. Cut out and burned across Concession 9, 60 chains. Ditched and graded across north part of Concession 12, 30 chains.

River Road: along the north bank of the Mattawishquia River from the Transcontinental Railway to the line between Lots 18 and 19, Concession 12, thence north between Lots 18 and 19, across Concession 12. To finally complete this road 60 chains were regraded across Lots 19, 20 and 21. A number of small culverts were put in, and one bridge with a span of 40 feet was built on Lot 19. This is now a good road from the railway to the north boundary of Kendall, and is continued north into the Township of Casgrain.

Bridge near the Town of Hearst across the Mattawishkwia River.

A Northern Development road camp on the trunk road along the Transcontinental Railway between the Ground Hog River and Kapuskasing.

Road between Lots 24 and 25. Repair work was done across parts of Concessions 11 and 12, graded ¾ mile Concession 11, and extended off-take 600 feet on line between Concessions 11 and 12 on Lot 24, and deepened side ditches two feet for 15 chains.

Road on west boundary. Repair work was done across part of Concessions 9, 10, 11 and 12. Two culverts 14 feet were put in on Concession 9, and the road was re-graded from the trunk road on railway north for ¾ mile across part of Concessions 11 and 12.

Hearst Townsite. In the summer of 1914 two destructive fires swept over the town, and almost completely wiped it out. The forests adjoining the town plot were partly blown down and greatly endangered the new town, which had sprung up in the meantime, to fire. In the fire of 1914 the Northern Development Branch had its warehouse destroyed, and in order to prevent a recurrence of the fire it was deemed advisable to cut and burn off the partly burned area. Tenders were asked for the cutting and burning of all the timber on 82 acres, and three contracts were let at $21.00 per acre. Besides the burning off of this timber, the main street was re-graded.

This Townsite was laid out by the Government, and the portion cleared is still in the Crown.

Township of Casgrain:

Road between Lots 18 and 19. Cut out, grubbed and burned across Concession 2 to 6, 3¾ miles, and graded across Concessions 1 and 2, 1½ miles.

Road between Lots 24 and 25. Cut out and burned across Concessions 3 and 4, 1½ miles, and graded across Concessions 1 and 2, 1½ miles.

Road along west boundary. Cut out and burned across Concessions 1, 2, 3 and 4, 3 miles.

Road between Concessions 2 and 3. Graded across Lots 19, 20, 21, 25, 26, 27 and part of 28, 2 miles.

Road between Concessions 4 and 5. Cut out, grubbed and burned across Lots 14 to 23, inclusive, and part of 24, 3¼ miles.

Township of Hanlan:

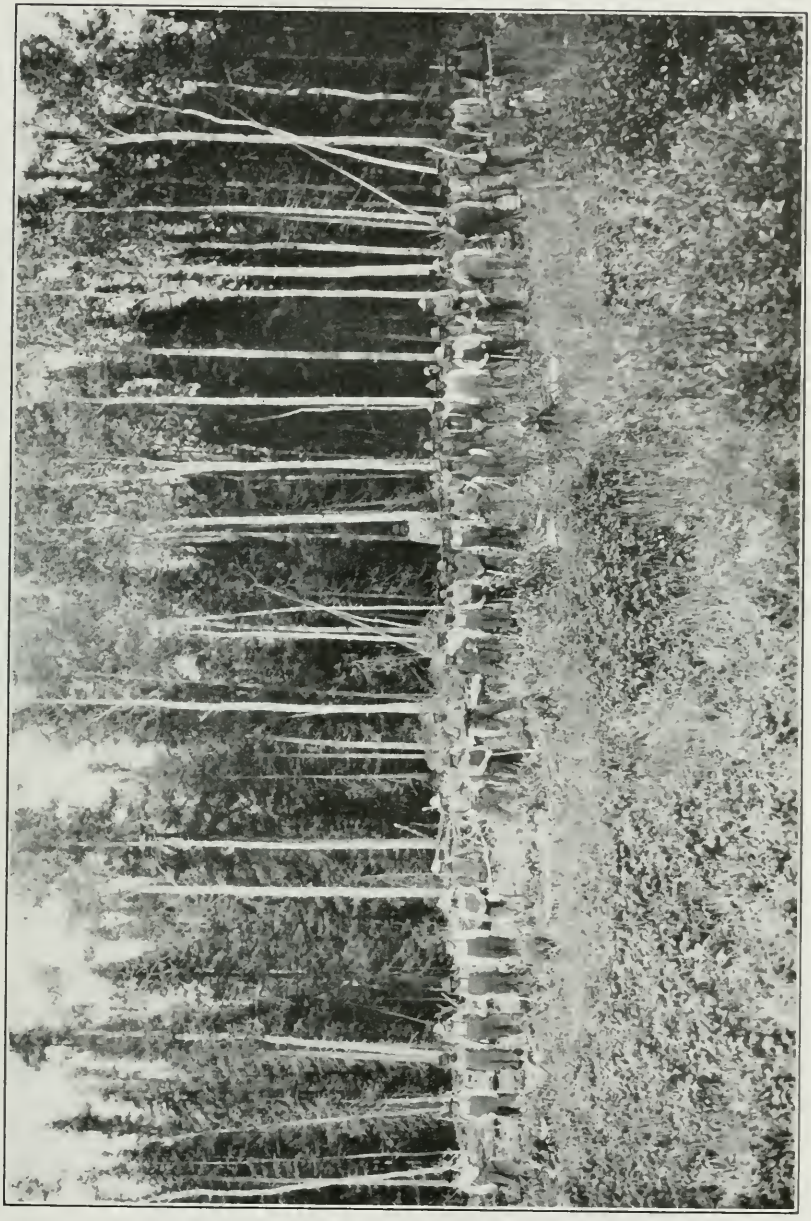
Road along the south boundary, across Lots 1, 2, 3 and 4, cut out and burned 1¼ miles.

Road between Concessions 2 and 3, across Lots 1, 2, 3 and 4, cut out and burned 1¼ miles.

KAPUSKASING, INTERNED ALIENS' CAMP, TRANSCONTINENTAL RAILWAY.

District of Temiskaming.

In January, 1915, the Department of Agriculture at Ottawa located an Experimental Farm on the Kapuskasing River in the Township of O'Brien, about midway between the Towns of Cochrane and Hearst. This farm was selected in connection with the detention camp. The proposed experimental farm comprises an area of about 1,000 acres, and is situated immediately west of the Kapuskasing River, and south of the railway at McPherson Station.



Interned prisoners at work on the Northern Development trunk road near Kapuskasing, on the line of the Transcontinental Railway.

At this point the land is of the finest quality, chiefly clay and clay loam; the timber comprises spruce, balsam, white birch, Balm of Gilead and poplar. The fine land extends over a very large area.

The interned aliens are used in clearing up the land on the experimental farm, and those that cannot be used for that purpose are engaged in opening up roads and clearing lands along the right of way, east and west of the detention camp, on behalf of this branch. A trunk road has been cut out and partly graded along the Transcontinental Railway from the Kapuskasing River easterly a distance of 13 miles to Lot 17, Concession 4, Township of Fauquier, and west to the Townships of Owen and Williamson, a distance of 5 miles. Of this distance, $6\frac{1}{4}$ miles have been ditched and graded. In addition to the trunk road along the right of way, roads have been cut out north and south of the railway between Lots 6 and 7, Concessions 6 and 7, O'Brien; between Lots 12 and 13, Concessions 7 and 8, in the same township, and between Lots 18 and 19, 24 and 25, and along the town line between the Townships of O'Brien and Owens, across Concessions 9 and 10; also between Concessions 8 and 9 across lots 19 to 28, and between Concessions 10 and 11 across Lots 21 to 28, inclusive; also $2\frac{1}{2}$ miles in the Township of Owen, and $1\frac{1}{2}$ miles in the Township of Williamson, or a total of 35.153 miles. Of this, $2\frac{1}{2}$ miles have been graded; 12 culverts and one bridge were built on the trunk road.

Besides the roads constructed, 124 acres of land have been cleared on either side of the right of way. This land has been chopped and partly burnt through the Townships of O'Brien and Fauquier. In connection with this work, this Branch employs and pays for one foreman for each gang of interned aliens, and also supply and pay for a cook at each of the outlying camps, of which there are four. The board of the men is supplied by the Militia Department, and the alien labour is free of charge to this Branch. On this work there are employed approximately from two to three hundred men continuously, from four to six foremen, four cooks, an overseer and one team.

It is hoped and expected that the large clearing now being made by the Agricultural Department, and that being cleared on behalf of the Northern Development Branch, will greatly improve the climatic conditions; as the soil is of the very finest quality, the land gently undulating, with very little swamp, it will be possible to make a thorough test of the climatic conditions and capabilities of this section of the country for agricultural purposes. It is in the centre of one of the finest areas of good land along the Transcontinental Railway between Quebec and Manitoba. The good land has a depth north and south on either side of the railway at this point of over 15 miles.

EXPERIMENTAL FARMS AND GARDEN PLOTS.

Cochrane Garden Plot:

This garden is situated on high clay land between two small lakes. There was a slight frost on the 10th August, which did little or no damage except to tomatoes, cucumbers and late corn. The next frost to do any damage was on September 8th; at that time the potatoes and other vegetables were well matured. All kinds of grain—wheat, oats, barley, rye, flax, squaw corn, peas and beans had also

matured. The different varieties were A-1 with the exception of corn. All the varieties of corn, except squaw corn, did not mature. Peas of different kinds were a splendid crop; where the straw was long they did not ripen, although the grain was plump and well matured.

I find that Prelude Spring Wheat best suited for the short season, although bearded wheat proved the best yielder. A test was made of both these kinds of wheat on heavy clay land; the clay had been taken from a railway cut over eight feet in depth, and hauled on to the adjoining field. This was ploughed and sown on the 15th May and yielded at the rate of 35 bushels per acre. Both these varieties matured without injury by frost. The bearded wheat, however, was injured by frost on 27th August on the farm two miles west, where the ground was low and contained considerable black loam. The Dawson Golden Chaff fall wheat sown ripened without injury by frost and yielded at the rate of 38 bushels per acre.

In different localities I visited in the clay-belt fall wheat was a success and yielded well. Spring wheat in most instances promised well but was slightly damaged by the summer frosts, except where the ground was high and well culti-

A field of turnips on the Northern Development Farm, 2 miles west of Cochrane.

vated, with a large area of cleared land surrounding it. At present it would almost appear that the country is too new to experiment too extensively on spring wheat.

On the different farms oats in every instance matured, and yielded from 40 bushels up to 75 bushels per acre. Oats, like other grain in Northern Ontario, should be sown as early as it is possible to get the ground in condition. This last season where oats were sown about the 1st of June they were caught by the summer frosts or by the rainy season. The Banner and Siberian varieties, as is the case in Old Ontario, are great favorites in Northern Ontario.

Barley was sown at the different farms and was not injured by the frosts and yielded well.

Great care should be taken in the selection of seed peas; where the ground is new and contains a considerable quantity of black loam or semi-muskeg the peas produce too much straw and do not ripen. On high clay land peas matured and were an A-1 crop last season.

Fall rye was sown on the different Experimental Farms as well as spring rye. This country appears to be suitable for the growth of fall rye rather than spring rye.

Buckwheat was sown also at the different farms, but except under exceptionally favourable circumstances, it does not appear to withstand summer frosts.

Flax matured where sown. A sufficient area was not planted to justify a statement as to whether it is likely to be successful or not.

Turnips, mangolds, sugar beets, carrots, cabbage, celery and onions yielded well and compared favourably with like crops in Old Ontario. In fact, cabbage and onions are an exceptional crop: the largest cabbage grown at the Cochrane garden weighed 22 pounds.

A test was made of a few acres on the bank of the Nagagami River—a speckled trout stream 170 miles west of the Town of Cochrane on the Transcontinental Ry. All classes of vegetables and grain were planted and sown. Seeding commenced about the 24th May. The farm plot is situated near the site of an old contractor's construction camp where the ground had been grown up with a splendid growth of

View of the Northern Development Farm near Ground Hog River.

clover and timothy. Satisfactory results were obtained, and little difference was found between the quality of the soil and the growth of vegetables and grain at this point as compared with points further east near Cochrane. The climatic conditions, however, are not quite so favourable.

Different kinds of grain and vegetables were tested at the Town of Hearst, where the results were favourable.

At the garden plot on the bank of the Ground Hog River, where all classes of vegetables were tested, very good results were obtained. On the Ground Hog Farm, two miles west of the river, the ground is comparatively new, last year being the first season that the land was worked, and there is a considerable quantity of black

loam. Four slight frosts occurred during the summer—on June 18th, when little or no damage was done, on August 10th, August 27th and on September 8th.

The grain on this farm was much damaged by the heavy rains during September and October and considerable loss was thereby sustained.

Attached hereto is a copy of the farm overseer's report.

OVERSEER'S REPORT.

Ground Hog Grain Farm:

On August 22nd, 1914, 5 acres of Dawson Golden Chaff fall wheat was sown, 3¾ acres of this being seeded down with timothy. Owing to the month of June

A field of turnips on the Northern Development Farm west of Ground Hog Farm, on the Transcontinental Railway.

being unusually wet and cool the growth of this was delayed and consequently it did not ripen until August 29th. The soil on which this was grown was brown clay loam.

Spring seeding commenced on May 19th with the soil working up in good condition, and until May 29th seeding conditions were excellent. During the first few weeks in June a great deal of rain fell and very cool weather prevailed, so that the spring grains, clover and grass seed were late in getting a start. One acre of pure red clover seed was seeded down, also one acre of timothy to be tested in 1916 for producing seed. Besides this an area of 8 acres of timothy and red clover were seeded down and the catch was excellent in each case. Experience has shown

Headquarters of the Northern Development Branch at the Town of Cochrane, showing vegetable garden, rye and flax.

that the grains and clover seed should be put in just as early as the frost will allow a seed bed to be worked, and that with good cultivation on top the moisture coming up will promote rapid growth.

Slight frosts occurred on June 18th, August 10th, August 27th and September 8th. The buckwheat was frosted down on August 10th so that it did not recover, consequently it was ploughed down and the following varieties of fall wheat were sown on this soil: Dawson's Golden Chaff, Imperial Amber and Grand Prize, obtained from the Ontario Agricultural College Experimental Department.

One particular grain is receiving much attention by the farmers since being tested on the Experimental Farm, namely fall wheat. Five acres of fall wheat yielded 27 bushels per acre. The O.A.C. No. 21 barley is a splendid yielder on the clay soils here, it being particularly stiff in the straw. Siberian and Daubenny oats are varieties worth paying attention to, the latter being a particularly early variety and doing well in mixed grain. Twenty acres of oats yielded 55 bushels per acre. Alsike clover seed will no doubt be grown in large quantities in the near future.

Vegetable Farm:

In the vegetable garden the following areas were planted: Potatoes, 1 5-6 acres; turnips, ½ acre; onions, ½ acre; cabbages, ¾ acre; beets and carrots, ½ acre; radishes, parsnips, celery, beans, garden peas, corn, cauliflower, ¼ acre.

Corn and beans matured sufficiently for table use.

The following varieties of potatoes were planted and yield given: Rochester Rose, 256 bus. per acre; Delaware, 234 bus. per acre; Irish Cobbler, 198 bus. per acre; Carman No. 1, 240 bus. per acre; Early Eureka, 175 bus. per acre; Green Mountain, 215 bus. per acre. The Green Mountain potato is giving every indication of being the best keeper among those stored in the root house, and the Carman No. 1 is also good.

Celery is profitable for a settler to grow, but only the early kinds should be handled.

The Danish Ball Head is the best cabbage we have grown here, and is also the best keeper.

The Dutch onion setts yield well but do not keep over Christmas. The Ailsa Craig onion is recommended from the farm, also the Detroit Dark Red turnip beet and the Globe beet.

REPORT ON THE DISTRIBUTION OF SEED GRAIN AND OTHER SEED TO SETTLERS UNDER THE PROVISIONS OF THE NORTHERN AND NORTH-WESTERN ONTARIO DEVELOPMENT ACT, 1915.

Early in 1915 representations were made to the Department from various sources throughout Northern and North-western Ontario that in consequence of the comparative failure of the crops during the previous season there was a shortage of grain and other seeds available for the settlers. It was stated that this shortage could not be made up by the settlers themselves, owing to the general conditions obtaining in the newer sections of the Province during the months following the outbreak of war.

After making careful and exhaustive enquiries into these statements, it was found that a need did exist for a supply of seed for the settlers, both in order to assist the settlers themselves and also to facilitate an extension of the acreage of various crops in conformity with the Dominion-wide movement for increasing agricultural production. The demand for seed was not confined to those who were unable to purchase, but came also from many settlers who were desirous of procuring a better class of seed than had hitherto been available in their district.

It was therefore decided to extend assistance to the settlers by advancing grain and other seeds, and in order to carry this into effect the Northern and North-western Ontario Development Act was passed at last session of the Legislature. Under the provisions of this Act $150,000.00 was authorized to be set aside out of the appropriation made by the Act of 1912 for the purchasing and distributing of seed. Of this amount, $98,920.26 was expended.

As soon as it was decided to grant seed a quantity of grain and other seeds, comprising oats, wheat, peas, barley, potatoes, clover and timothy, were purchased.

The various quantities of each kind of seed to be supplied were estimated, and were purchased with the assistance of the Department of Agriculture on the most favourable terms. A high standard of seed was insisted upon, and all classes were rigorously inspected before purchase.

Advertisements were inserted in various newspapers throughout the northern and north-western portions of the Province informing settlers of the conditions under which the Government would supply seed to them. Forms of application were provided for the settlers to furnish information with regard to description of lot, standing of applicant, length of occupation, area under cultivation, and for which seed was required and quantities of the various seeds desired. Each applicant gave a written undertaking to use the seed supplied for seed purposes only, and executed a promissory note for the value received bearing interest at 6% per annum, the amount to be repaid on or before the 1st of April, 1916. The amount of this note, upon registration, becomes a first lien and charge upon the lands of the applicant whether patented or located.

Storehouses were rented at Kenora and Dryden for the District of Kenora, at Emo for the District of Rainy River, at Port Arthur for the District of Thunder Bay, at Sudbury for the District of Sudbury and south part of Algoma, at North Bay for the Districts of Nipissing, Muskoka and Parry Sound, and at New Liskeard, Englehart, Matheson and Cochrane for the District of Temiskaming and country along the Grand Trunk Pacific Railway. Wholesale shipments of seed were made to these storehouses for distribution to the settlers in the vicinity.

All applications were submitted to the local Crown Lands Agent for confirmation. The amount of seed granted to each applicant was limited to approximately $50.

Seed was distributed to 3,123 settlers throughout New Ontario. The average value of seed supplied to each settler was $28. The chief demand was for oats (41,601 bushels). Nearly 13,000 bushels of potatoes were supplied. Clover and timothy seed were distributed to the amount of 2,493 bushels.

Owing to the unusually early spring there was a great demand for immediate shipment of the seed some two weeks earlier than had been anticipated, but the demand was dealt with as speedily as the deliveries from the wholesale houses would permit.

Practically no complaints have been received from the applicants, and general satisfaction has resulted.

In many isolated sections throughout the whole of the northern part of Ontario had the Government not distributed seed grain many of the settlers would not have been able to purchase a bushel, and would have been in a destitute condition this winter. The rainy season, which was almost continuous for nearly five weeks, commencing at a time when the grain was ready to be harvested, destroyed a great deal of what might have been a bountiful crop. Much of the grain when harvested was unsaleable and only suitable for feed purposes. It may be that the farmers will be able to save sufficient grain for seed out of the partially damaged crops. These remarks, fortunately, do not apply so much to the western part of the Province and the Rainy River Valley as to the north-eastern. The crops were reasonably well saved in the Districts of Rainy River and Keewatin and in the Sudbury District along the line of the Canadian Pacific Railway. In the country, however, along the Temiskaming & Northern Ontario Railway and along its branches, and along the Transcontinental Railway, large areas were partly damaged, and many of the settlers will be in no better position this spring to secure seed grain than they were last season, although conditions throughout the northern part of Ontario at the present time are much better than they were a year ago.

Attached to this report is a summary of the quantities of seed supplied to the various districts.

SEED GRAIN.

Summary of Seed Grain supplied to Settlers.

Distributing Store.	District.	Oats.	Wheat.	Peas.	Barley.	Potatoes.	Clover.	Timothy.	No. of Settlers Supplied.
		Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	lbs.	lbs.	
Cochrane	Temiskaming, N. Algoma	1,893	69	103	178	747½	2,954	4,188	177
Matheson	Temiskaming	1,889½	108	157	83	757	5,123	2,808	187
Englehart	"	5,219	361	198	342	1,553	7,516	8,750	367
New Liskeard	"	6,622	676	448	658	1,610	7,328	7,235	375
North Bay	Nipissing	4,260	415	420	212	582½	3,045	6,666	258
	Muskoka	1,053	30	67	58	63½	791	1,025	46
	Parry Sound	1,428	63	83	97⅛	47	972	1,108	63
Sudbury	South Algoma	154	34	7	33	10	60	128	9
	Sudbury	6,933	429	403	411	420	8,755	16,077	407
Port Arthur	Thunder Bay	5,755½	977	474	754	3,836½	17,072½	14,359	639
Emo	Rainy River	3,853½	879½	87	884 7/10	1,041½	4,166 7/10	3,819 8/10	320
Dryden	Kenora	1,568½	116	52	167	1,232½	3,961	1,532	177
Kenora	Kenora	972	102	52	144	1,073⅜	1,589½	1,414	98
		41,601	4,259½	2,551	4,021 41/48	12,974⅜	63,333 7/10 or 1,055 35/60 Bushels.	69,109 8/10 or 1,439 27/48 Bushels.	3,123

To the Honourable the Premier:—

Sir,—I beg to recommend the expenditure of the following amounts during the season 1916 under the Northern and Northwestern Ontario Development Act, 1912, on the construction of new roads, repairing and surfacing of old roads, the construction of bridges and culverts, the clearing of Crown Lands and the operation of Experimental Farm and garden plots at and near the Towns of Cochrane and Hearst: at the Ground Hog River, 50 miles west of Cochrane; at Kapuskasing, 70 miles west of Cochrane; at the Nagagami River, 40 miles west of Hearst, all on the Transcontinental Railway, and at the Town of Matheson, on the Temiskaming & Northern Ontario Railway.

District of Rainy River:

In the Rainy River Valley, to complete and re-surface roads constructed last season, also the opening up of new roads in the partly settled townships in the northern part of the Rainy River Valley, and draining low-lying townships tributary to the Grassy River $35,000

District of Kenora:

The grading of new roads cut out during the season of 1915 in the agricultural section north-east and north-west of Dryden, and in the Valley of the Wabigoon River in the vicinity of the Grand Trunk Pacific Railway, and along the Canadian Pacific Railway east of Kenora 25,000

District of Port Arthur:

Re-surfacing trunk roads and the construction of new roads in the townships north and east of the City of Port Arthur, and the construction of a mining road north of Schreiber 40,000

District West and South of Fort William:

The re-surfacing and extension of the trunk roads under construction last season west of Fort William, the completion of Pigeon River or the International Boundary Road from Duluth to Fort William, including approaches to International Bridge; the opening up of new roads in the Townships of Conmee, O'Connor, Lybster, Strange and Pearson 50,000

Sudbury and Sault Ste. Marie Trunk Road:

The construction of two bridges at and west of Blind River, the completion of the gravelling of the parts of the trunk road between Bruce Mines and Cutler, partly under construction last season 35,000

Sault Ste. Marie:

Grading and improving the Colonization Road from a point about 7 miles north of Sault Ste. Marie to a point on Batchawaung Bay, passing through Goulais Bay Settlement 10,000

Manitoulin Island:

Trunk road from West Bay to Little Current and West Bay to Mindemoya. 6,000

District of Sudbury:

Surfacing the trunk road from the Town of Sudbury to the Village of Coniston on the Sudbury to North Bay trunk road, the extension of the Sudbury and North Bay trunk road from Wanapitei to near the Village of Warren, the completion of the road from the Village of Coniston South through the farming sections in the Township of Dill, the completion of a mining road north of Onaping Station on the Canadian Pacific Railway, re-surfacing parts of trunk roads in the Blezard and the Chelmsford Valleys 55,000

Sudbury and North Bay Road:

Re-surfacing parts of the trunk road between North Bay and Sturgeon Falls west to the Village of Warren, and the construction of bridge on the Colonization Road south of Sturgeon Falls Station. The construction of new trunk road from Hagar on the Canadian Pacific Railway west to Wanapetei Station, on said railway, 12 miles west of Sudbury. 29,500

District of Nipissing:

Re-surfacing parts of the trunk road between North Bay and Sturgeon Falls constructed in 1915 500

The extension of the North Bay, Callander and Powassan trunk road and the completion of the trunk roads in the Township of Chisholm. . . . 15,000

District of Porcupine:

The construction of Mining Roads in the Porcupine Mining District, the construction of a ferry across the Mattagami River, near Timmins, and Colonization Roads in the Township of Mountjoy 12,000

Temiskaming and Northern Ontario Railway:

Roads east and west from the Temiskaming and Northern Ontario Railway from Cochrane south to Monteith, including roads on each side of the Porcupine Branch of the Temiskaming and Northern Ontario Railway from Porquois Junction to Porcupine 55,000

Roads east and west from the Temiskaming and Northern Ontario Railway extending from Monteith south to Swastika 40,000

Roads east and west of the Temiskaming and Northern Ontario Railway from Swastika south to Earlton, including the construction of a bridge over the White River east of Englehart; also extending west along the Charlton Branch of the Temiskaming and Northern Ontario Railway, and west, north-west and south-west of Charlton, including bridge across the Blanche River at Charlton 55,000

Transcontinental Railway:

The construction of roads and bridges north and south of the Transcontinental Railway from Abitibi River, east of Cochrane, west to the Town of Hearst, including also the clearing of lands and the construction of roads and bridges in the vicinity of the Military Detention Camp at Kapuskasing	60,000
To complete the Pembroke and Petawawa trunk road east of the Petawawa Military Reserve	5,000
To grade the North Bay and Trout Lake Road	2,000
For the operating of the Experimental Farm plots at and near the Towns of Cochrane and Hearst, at the Ground Hog River, 50 miles west of Cochrane; the garden plot on the Nagagami River, 40 miles west of Hearst, all on the Transcontinental Railway, and at the farm plot at the Town of Matheson on the Temiskaming and Northern Ontario Railway.	5,000
For the construction of stables and storehouses near railway station for the accommodation of incoming settlers at Matheson on the Temiskaming and Northern Ontario Railway, Cochrane, Ground Hog River and Hearst on the Grand Trunk Pacific	5,000
Unforeseen work, surveys of new roads, renewing of old bridges and culverts, re-surfacing and improving old roads and the construction of short roads in sections where new settlement is taking place	40,000
Office and engineering expenses, equipment and plant	20,000
	$500,000

I have the honour to be, Sir,

Your obedient servant,

J. F. WHITSON,

Commissioner.

REPORT

OF THE

Decisions in Cases Arising Out of The Municipal Drainage Act

Together with Other Cases Analogous Thereto

ALSO

The General Rules Relating to Practice and Procedure under the Municipal Drainage Act

VOLUME I

COMPILED BY

ALEXANDER L. SMITH, Osgoode Hall,
Barrister-at-Law

and

L. MINNIE SAGER,
Stenographer to the Drainage Court.

PRINTED BY ORDER OF

THE LEGISLATIVE ASSEMBLY OF ONTARIO

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1916

To His Honour, Sir John Strathearn Hendrie, Knight Commander of the Most Distinguished Order of St. Michael and St. George, a Commander of the Royal Victorian Order, Colonel of the Militia of Canada, etc., etc., etc.,

Lieutenant-Governor of the Province of Ontario.

May it Please Your Honour:

The undersigned begs respectfully to present to Your Honour a report of the decisions in cases arising under the Municipal Drainage Act, together with other cases analogous thereto, also the General Rules relating to Practice and Procedure under The Municipal Drainage Act.

I. B. Lucas,

Attorney-General.

Attorney-General's Department,
Toronto, April 5th, 1916.

REFEREES

Appointed for the purpose of the Drainage Laws

BYRON MOFFATT BRITTON, Q.C., of the City of Kingston; appointed June 1st, 1891; resigned September 19th, 1896.

THOMAS HODGINS, Q.C., of the City of Toronto; appointed October 1st, 1896; retired May 12th, 1900.

JOHN BROWN RANKIN, K.C., of the City of Chatham; appointed May 12th, 1900; died May 20th, 1909.

GEORGE FREDERICK HENDERSON, K.C., of the City of Ottawa; appointed May 18th, 1906.

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DIGEST OF CASES

ADOPTION OF PETITION.

It is essential to the validity of a drainage scheme that the municipal council exercise a quasi judicial discretion as to whether or not they should adopt a petition for a drainage work.

MATILDA *v.* EDWARDSBURGH (94).

AMENDMENT.

Township council by resolution appointed an engineer to report upon a scheme for the repair and improvement of a municipal drain, under sec. 77 of the Act. The report provided not only for the repair of the drain as originally constructed, but also for a very substantial extension and improvement of the outlet. Some 500 acres which were assessed in the original scheme were no longer assessed, and nearly 4,000 acres not in the original scheme were now assessed, Only one property was assessed for benefit, the others being assessed for injuring liability.

Henderson, K.C., referee, held, that this was altogether different from the original scheme which had been entirely disregarded by the engineer, who had treated the scheme as an entirely new one. That the proper course to adopt in a case such as this would be for the engineer to ask for a special mandate under sec. 75 as well as under sec. 77, when he would have a free hand to do substantial justice to all parties.

That notwithstanding the wide powers given the referee under sec. 74 he cannot alter the fixed proportions of an original assessment. Chatham *v.* Dover, 8 O.L.R. 132, 3 O.W.R. 882 followed.

That the mandate of the engineer under sec. 77 was not sufficient, and the report and by-law should be set aside.

GIBSON *v.* WEST LUTHER (172).

A large number of residents of the Township of Chatham petitioned their council that certain areas be drained by deepening and otherwise improving certain drains already made, which were not satisfactory. The council had plans and specifications, estimates, assessments, etc., made by a civil engineer, which were finally adopted by the council. Duplicate copies of the final report were served upon the Townships of Camden and Dover, through which townships the drain would pass. The Township of Dover appealed to the drainage referee taking a number of objections all of which the referee overruled and confirmed the report except that he altered the provision for maintenance by including the lands in Dover assessed for benefit as well as those assessed for outlet. The court of appeal held that the findings of the referee had been reached after careful survey, examin-

ations and investigations, and he being familiar with the drainage areas in question, as well as with all the surrounding areas and the drainage system and works therein, therefore it would be necessary for the appellants to show a very strong cause to overcome such findings, this not having been done, the appeal was dismissed.

TOWNSHIP OF DOVER *v.* TOWNSHIP OF CHATHAM (130).

APPEAL.

Section 63. The Municipal Drainage Act does not confine the right of appeal to the court of appeal to a case in which the assessment against the appealing municipality exceeds $1,000.00. These requirements obtaining only under the first part or clause (*a*) of sub.-sec. 2 of that section.

Re TOWNSHIP OF ALDBOROUGH AND TOWNSHIP OF DUNWICH (64).

Action to restrain a township corporation and a contractor from constructing a drain authorized by by-law of the township. The judgment of the High Court granted an injunction against and ordered costs to be paid by both defendants and ordered the corporation to indemnify the contractor if he paid them. The corporation appealed to the court of appeal, making the contractor a respondent, the latter appeared at the hearing of the appeal but did not himself appeal. The appeal was allowed with costs.

Held that the result of allowing the corporation's appeal was that as the plaintiff's right to recover against the contractor, depending upon his right to recover against the corporation, the action must be dismissed against both defendants, but the contractor should have no costs of the appeal.

Semble that he should have his costs below against the plaintiff.

Peterkin *v.* McFarland (1881), 6 A.R. 254, *re* Gabourie, Casey *v.* Gabourie (1887), 12 P.R. 252, Esdaile *v.* Payne (1889), 40 Ch.D. 520 and Dilke *v.* Douglas (1880), 5 A.R. 63, distinguished. McDermott *v.* McDermott (1870), 3 Ch. Ch. 38 approved.

CHALLONER *v.* TOWNSHIP OF LOBO *et al* (25).

The provision of sec. 48 of the Municipal Drainage Act, 10 Edw. VII, ch. 90, that a County Court Judge, upon hearing an appeal from a decision of a Court of Revision, "shall deliver judgment not later than thirty days after the hearing," is imperative.

Prohibition to a County Court Judge against the enforcement of a judgment delivered after the lapse of thirty days from the hearing.

In re Townships of Nottawassaga and County of Simcoe (1902), 4 O.L.R. 1, and *in re* Trecothic Marsh (1905), 37 S.C.R. 79, applied and followed.

In re Ronald and Village of Brussels (1882), 9 P.R. 232, and *re* McFarlane *v.* Miller (1895), 26 O.R., 516, discussed.

Judgment of Meredith, C.J.C.P., reversed.

Held, by Riddell, J., in granting leave to appeal to a Divisional Court, under Con. Rule 777 (3) (*a*), upon the ground that there were conflicting decisions, that for the purposes of the rule decisions of the Judges of the Court of Appeal should be considered decisions of "Judges of the High Court."

Re ROWLAND AND MCCALLUM (149).

AREA.

A petition for a drainage work must describe a real drainage basin, and the omission from the area of any lands naturally belonging to such a basin is fatal to its sufficiency.

Where an engineer has in error assessed as for injuring liability instead of for outlet liability, the referee may, with consent of the engineer, amend the report by placing the assessment upon its proper qualification.

Where a stream is being improved for the purpose of giving sufficient outlet to several drainage schemes of which the outlets are at present insufficient, the assessment upon lands contributory to such drainage schemes is properly assessed as for outlet liability and not for injuring liability.

South Gower *v.* Mountain, Oxford and Edwardsburgh (125).

ASSESSMENT.

Appeal by plaintiffs from the report of the drainage referee, assessing them with a portion of the cost of repairing and extending a drain. All parties to the litigation had been mulcted in damages by reason of the disrepair and insufficiency of a certain drain. The defendants, the Township of Malden, initiated certain improvements to prevent the recurrence of the damage, and the engineer in charge reported that, as the plaintiff township was benefited by the proposed improvement, it should pay a proportion of the cost thereof. The report of the drainage referee accepted the engineer's proportion of the assessment as the correct one. Plaintiffs urged that they could not be forced to pay improvements which they did not want.

Court of Appeal, held, that the work was necessary, and, under the statute, plaintiffs were properly assessed with a portion of the cost.

Anderdon *v.* Malden and Colchester South (207).

Upon certain repairs to a drainage work becoming necessary one of the townships interested directed their engineer to make a report, and he assessed the cost against the different townships in the proportions in which the original cost had been assessed, no proceedings having been taken under sec. 69 or 72 of the Drainage Act to vary the assessment.

Held, that this was the proper mode of apportionment, and that notwithstanding the wide wording of sec. 71 of the Act the drainage referee had no power to vary an apportionment made under such circumstances.

Judgment of the drainage referee reversed.

Township of Chatham *v.* Township of Dover (62).

ASSESSMENT ROLL.

"The last revised assessment roll," which governs the status of petitioners in any proceedings under the Drainage Act is the roll in force at the time the petition is adopted by the council and referred to the referee for inquiry and report, and not the roll in force at the time the by-law is finally passed.

CHALLONER *v.* TOWNSHIP OF LOBO (21).

AWARD.

Arbitrators made an award, purporting to be under sec. 555 of the Consolidated Municipal Act, 1903, 3 Edw. VII. ch. 19, (o), permitting an extension of a sewer from one municipality into another, but no by-law had ever been passed by the former defining the lands to be taken or affected, or the route of the sewer, and there were, moreover, no terms or conditions imposed upon the former by the award.

Held, affirming the decision of Teetzel, J., that the award was bad, and should be set aside. Moss, C.J.O. and MacLennan, J.A., dissenting.

TOWNSHIP OF WATERLOO *v.* TOWNSHIP OF BERLIN (58).

BENEFIT.

It is not an essential of a watercourse that it should be serviceable to the owner through or along whose land it flows. A watercourse may, in some cases, be a detriment rather than a service to the owner of the land through which it flows. Beer *v.* Stroud, 19 O.R. 10, and Arthur *v.* Grand Trunk 22 A.R. 89 followed.

STEINMAN *v.* SORGE (230).

CERTIFICATE OF ENGINEER.

Where a contract for drainage work provides for payment upon certificate of the engineer in charge, and the work is classified so that the exercise of skill and judgment by the engineer is necessary before a certificate can be given, the certificate is a condition precedent to payment.

MCILVENNA *v.* OSGOODE (100).

A contract for the construction of a drainage work requiring the work to be done to the satisfaction, and subject to the approval of the engineer in charge, and also to the satisfaction of any commissioner who might be appointed by the municipal corporation to supervise the performance of the work on behalf of the corporation. Commissioners were appointed but did not act in manner as required by the statute.

The engineer in charge certified to completion to his satisfaction.

Held, that the contractor was entitled to recover without any certificate of the approval of the commissioners, there being no evidence of fraud on the part of the engineer or collusion between him and the contractor.

PAYNE *v.* THE CORPORATION OF THE TOWNSHIP OF WOLFORD (150).

COMPENSATION.

An owner of a water privilege and a right of easement of penning back the waters of a stream and flooding adjacent land is entitled to compensation under the scheme for the improvement of the stream in such a way as to destroy or prevent the user of such privilege and easement, and this compensation should be assessed and determined by the referee.

Re FARRAND AND TOWNSHIPS OF MORRIS AND GREY (82).

COMPLETION OF WORK.

In a case where it appeared that a drainage work had never been completed according to plans and specifications, but where the bench marks and other evidence had disappeared so as to make it practically impossible to accurately ascertain the extent of lack of completion, an order was made requiring the municipality to improve the drain under the direction of an engineer of repute to such an extent as the said engineer might deem necessary to furnish the parties interested with substantial facilities for drainage which they would have enjoyed had the work been carried out in accordance with the original plans and specifications. In lieu of damages the expense of and incidental to this work was directed to be paid out of the general funds of the township.

MCLEAN *v.* EUPHEMIA (166).

CONTRACTOR.

An equitable assignment by an original contractor for a drainage work to a sub-contractor, of moneys due or becoming due to the original contractor, not accepted in writing by the municipality, is not sufficient to establish a contractual relationship between the municipality and the sub-contractor, unless and until moneys become actually due and owing to the original contractor to which the assignment can attach.

CRAWFORD *v.* OSGOODE (213).

In a contract for drainage work where material classified and a pre-classification omitted, the contractor is entitled to be paid for work under the omitted classification on the basis of a *quantum meruit*.

A municipal councillor entrusted by his council with the supervision of a drainage work has no authority to release a contractor from his contract.

LATIMER *v.* OSGOODE (210).

DAMAGES FOR FLOODING.

Owners of low-lying lands which suffer because of excessive rainfall brought into a natural channel upon which these lands abut from a more extended watershed with increased rapidity, due to improvements of drainage and cultivation throughout the districts of which they form a part, have no cause of action against the municipality in charge of drainage work in the absence of negligence or an evidence that their outlet has been obstructed by something done by the municipality.

Where the specifications of a drainage work provided for the deposit of the excavated material under instructions of the engineer in charge, it is not a breach of trust on the part of the municipality to permit the engineer to change the method of depositing the excavated material.

MacOuat *v.* Stormont, Dundas and Glengarry (78).

Action against the municipality for alleged damages resulted from a flood of plaintiff's land said to have been caused by defendants' diversion into a creek of more water than it could take care of according to its natural capacity. Defendants claim that in its natural state the creek overflowed. Rogers Co., C.J., awarded plaintiffs $350.00 damages and costs.

Divisional Court held that if the defendants showed the creek overflowed in its natural state it was convincing proof that the defendants' diversion increased the overflow and rendered them liable in damages.

That where an action for damages arises out of the doing of violence to another man's rights the amount of damages is not to be weighed in scales of gold. (For a discussion of the law applicable) Moore *v.* Cornwall, 23 O.W.R. 114.

McGuire *v.* Township of Brighton (201).

The owner of land in the banks of a natural stream has no legal ground of complaint if riparian owners above him reasonably use the stream as an outlet for drains made by them in the agricultural use of their lands, although the result is to increase the amount of water in the stream and to flood part of his land. But this principle does not apply to persons not riparian owners who by proceedings under the Ditches and Watercourses Act obtain an outlet to the stream, and they are liable to the person injured by the increased amount of water.

Held, that while the defendants who were parties respectively to the construction of each drain were jointly liable for any damages attributable to that drain, the different sets of defendants were not joint tort feasors and had been improperly joined as defendants: that a joint assessment of damages was improper; and that, there being no evidence of the proportion of damage attributable to each set of defendants, only nominal damages and an injunction be awarded.

An action to recover damages for flooding his land was brought by a riparian owner against a number of persons who were respectively parties to the construction of several drains under the Ditches and Water Courses Act, the allegation

being that by means of the drains the flow of water had been unlawfully increased to the plaintiff's injury. Evidence was given as to the quantum of the plaintiff's damage, and judgment was given against all the defendants for the whole amount.

McGillivray *v.* Township of Lochiel (66).

Persons whose lands are injuriously affected by the non-operation, or imperfect or negligent operation of pumping machinery constructed under the Drainage Act, R.S.O. 1897, ch. 226, are entitled to damages under the provisions of sec. 73 of that Act, and sec. 4 of 1 Edw. VII., ch. 30 (*o*).

Where, therefore, the plaintiff's land and crops were injured by the overflow of water caused by the neglect of the corporation to efficiently operate the pumping plant erected in connection with certain drainage works constructed by the township, the plaintiff was held entitled to recover damages for the injury he had sustained, one half of which was imposed on the general funds of the township, and the other half on the area benefited.

Bradley *v.* Corporation of the Township of Raleigh (83).

Pursuant to the judgment of the Court of Appeal of the 2nd March, 1901, (1 O.L.R. 519), the Drainage Referee on the 25th July, 1901, added the corporation of the Township of Gosfield North as defendants, and they filed a statement of defence on the 10th September, 1901. The referee then heard the evidence and assessed the damages against both townships in respect of the construction of the drain in question, which was completed before the division of the Township of Gosfield. On the 15th of April, 1901, 1 Edw. VII, ch. 30, (*o*), was passed, which repealed sec. 93 of the Drainage Act and made new provisions, one of which was that the notice claiming damages was to be filed within two years from the time the cause of complaint arose.

Held, that the plaintiff's claim for damages was against the two defendants jointly, and that it must be taken to have been first made on the 10th September, 1901, and was confined to damages suffered by the original construction of the drain which had arisen within two years next before that date; and that the plaintiffs would be at liberty to take proceedings under sec. 93 as often as any damages should arise in the future, until a remedy should be provided to prevent their recurrence.

Judgment of the drainage referee reversed.

Wigle *v.* Townships of Gosfield South and Gosfield North (49).

In an action for damages for flooding claimed to have been caused by the building of a bridge across a creek.

Held, that the cause of complaint was not the building of the bridge, but subsequent floods within two years before the commencement of the action, and that as the Municipal Drainage Act is now framed the court or judge has power

to transfer the action to the referee, not only where it appears that the action should properly have been brought in the Drainage Court, but where it appears that the action may be more conveniently tried and disposed of before the referee, McClure *v.* Brooke, 5 O.L.R., distinguished.

Held also that the complaint was confined to such damage as properly and naturally resulted from the flooding; and the alleged depreciation in the selling value of the plaintiff's land, by reason of the fear of future flooding was not comprised therein.

WIGLE *v.* TOWNSHIP OF GOSFIELD SOUTH (180).

Action for an injunction and $300 damages in respect of an alleged nuisance caused by defendant corporation in that they permitted certain waters, sometimes of an offensive character, to flow from and seep through an open drain on the highway onto plaintiff's lands, thus ruining his crops. Defendants denied that any waters came from their drain onto the plaintiff's lands and alleged another source.

County Court Judge dismissed action with costs.

Divisional Court held, that upon the evidence plaintiff's allegations had been proven and that he had, therefore, shown a good cause of action.

Smith *v.* Eldon, 9 O.W.R., 963, followed.

MOORE *v.* CORNWALL (202).

The assessment for damages and costs recovered by a person complaining of a defective system of drainage must be made only against the lands included in the drainage scheme complained of lands included in an amended scheme undertaken after the right to damages has accrued and claim has been made are not liable.

Judgment of the drainage referee affirmed.

Re MCCLURE AND THE TOWNSHIP OF BROOKE (33).

Plaintiff brought action to recover $1,000 compensation for damages alleged to have been caused to his lands by a drain constructed by defendant township. Defendants pleaded in answer that they had entered into an agreement with a former owner of plaintiff's land whereby he was to be relieved of any assessment for the drain on terms that he would take the burden of the waters which might come to his lands and supply a sufficient outlet.

Plaintiff contended that this agreement was unauthorized and illegal.

Court of Appeal, held, that an agreement might be one which no court would enforce, but still be a complete defence of leave and license: That when the agreement was made the parties knew they were dealing with a statutory drain, subject to repair and improvement from time to time: That plaintiff stood in the shoes of his vendor from whom he purchased with notice and could not now be heard to complain: That he had suffered no damage, as he could extend the drain on his own property to a proper outlet. Action and appeal dismissed with costs.

MCLAUGHLIN *v.* TOWNSHIP OF PLYMPTON (168).

Plaintiff brought action claiming that defendants had, while engaged in repairing a highway, wrongfully constructed certain grades and ditches along certain culverts through the highway so as to divert water from the highway and from an adjoining highway over which they had not assumed control, and from other lands into and upon plaintiff's farm, for which he claimed damages and an injunction.

Held, that the evidence as to damages was conflicting, but there was no doubt that the excess of water discharged on plaintiff's land caused him some loss and inconvenience, and would have a depreciating effect upon the value of his farm. In lieu of an injunction judgment was given plaintiff for $150 for damages past and future with costs.

McMulkin *v.* Oxford.

DAMAGES FOR OBSTRUCTION.

Where a road drain is constructed by a township municipality within its statutory authority and without negligence the right of an adjoining owner who claims that his access has been cut off by the drain, is for compensation under sec. 437 of the Municipal Act, and otherwise he has no claim for damages.

Donaldson *v.* Township of Dereham.

DITCHES AND WATER COURSES.

A municipal council may on a proper petition pass a by-law assuming an award drain and in the same by-law make it part of a more extended scheme under the Municipal Drainage Act.

Fairbairn *v.* Township of Sandwich South.

ENGINEER.

A claim by an engineer for services rendered to a Municipal Corporation in preparing a report and plans for a drainage work, the construction of which has not actually been undertaken is not within the jurisdiction of the referee.

Moore *v.* Township of March.

The fact that an engineer entrusted with the work of preparation of a drainage scheme hears and considers objections of another engineer employed by another interested township and modifies his original scheme after consideration of these objections, is of no consequence, if the fact is that the ultimate result was the personal judgment of the engineer in charge.

Re Bright and Township of Sarnia.
Re Wilson and Township of Sarnia.

Where a County Judge, acting under 3 Edw. VII. ch. 22, sec. 4 (O.), audits the charges of an engineer or surveyor employed or appointed under the Municipal Drainage Act, there is no appeal, by virtue of 9 Edw. VII., ch. 46 (O.), or otherwise from his allowance or disallowance of charges upon such audit; Clute, J., dissenting.

Re Moore and Township of March (122).

The mere size of the area to be drained is of little consequence in considering whether or not an assessment for outlet liability is proper.

The fact than an engineer entrusted with the work of preparation of a drainage scheme hears and considers objections of another engineer employed by another interested township and modifies his original scheme after consideration of these objections is of no consequence if the fact is that the ultimate result was the personal judgment of the engineer in charge.

Re Township of Huntley and Township of March (120).

ENGINEER, APPOINTMENT OF.

It is not a necessary pre-requisite to the payment of an engineer under the Ditches and Water Courses Act that a prior by-law appointing another party township engineer should be first rescinded.

Healy *v.* Ross (236).

ENGINEER—TIME FOR FILING REPORT.

The power of extending the time for filing the report of an engineer upon a municipal drainage scheme, by sec. 9, sub-sec. 8, of the Municipal Drainage Act, as amended by 62 Vict. (2), ch. 28, sec. 6 (o.), can only be exercised under the condition mentioned in that subsection. It is a limited power to extend for good cause, and is dependent upon inability of the engineer to make a report within the time fixed owing to the nature of the work, and not upon dilatoriness or supineness on his part.

An engineer was appointed to make examination and report in 1900, but did nothing within the first six months after his appointment. Various extensions were granted, several after the extended time had expired. No report was made till February, 1905, and such report was after amendment adopted by the Council in June 1905, and a by-law founded upon it, the engineer advancing no excuse for delay except press of work and lack of assistance.

Held that when the report was made the petition was not on foot, and therefore there was no warrant to the council for adopting the report or founding a by-law upon it.

Re McKenna and the Municipal Corporation of the Township of Osgoode (36).

ENGINEER'S REMUNERATION.

Under the provisions of sec. 5a of the Municipal Act, a County Judge has jurisdiction to audit the account of an engineer for services rendered in connection with superintendence of the construction of a drainage work, as well as for services rendered in connection with the preparation of a report looking to the construction of a drainage work.

J. H. Moore *v.* Corporation of the Township of Mountain (90).

It is an essential pre-requisite to the jurisdiction of a County Judge to hold an audit of the accounts of an engineer under the provisions of sec. 5a of the Municipal Drainage Act, that there should be a written request of the municipal council or of a person assessed, filed by the clerk of the municipality before the audit is entered upon.

Moore *v.* March (129).

INFANT.

A father, as the natural guardian of an infant owner, is within the contemplation of subsec. 3 of the interpretation clause and service of notice upon him binds the infant only, unless some other person has been appointed guardian of the infant only.

Healy *v.* Ross (236).

INJUNCTION.

At trial plaintiff was awarded $240.00 damages and a mandatory injunction against both defendants requiring them to open and maintain a culvert opposite the plaintiff's land in such a manner and to such an extent as to receive and carry away waters that may from time to time flow along the east side of the road allowance so that said waters may not back up on plaintiff's land.

On appeal to the Divisional Court it was held that the judgment appealed from should be varied as to the terms of the injunction award by making it one restraining the defendants from continuing to bring the foreign waters down to the injury of the plaintiff and operation of the judgment should be suspended for one year to enable the defendants to do this.

With this variation judgment affirmed and appeal from it dismissed with costs.

Vanderberg *v.* Markham and Vaughan (142).

Where a road drain constructed by a township municipality under its statutory authority is constructed in a negligent manner and by reason of such negligence damage ensues to an abutting owner, such owner has a remedy by action, and is not confined to his remedy by arbitration under the provisions of the Municipal Act.

Smith *v.* Township of Eldon (146).

INJURING LIABILITY.

Owners of lands through which a natural water course runs have a legal right to drain their lands into such water course by means of tile and other under drains as well as by surface drains, and, while they exercise this right reasonably, they are not subject to prevention or interference by others down the stream, such user of the natural water course does not justify an assessment for injuring liability.

Re Township of Elma and Township of Wallace (43).

INTEREST.

After delivery of the judgment of the Court of Appeal (14 O.W.R., 1033—1 O.W.N. 190) the question arose as to the liability of the subservient townships to pay interest on the amounts payable by them by way of contributions to the expense of the drainage scheme.

Henderson, referee, held that under sec. 66 of the Ontario Municipal Drainage Act no sum was payable by the subservient townships until the expiration of four months from the date of judgment of the Court of Appeal, and interest should be computed only from that date.

Elizabethtown *v.* Augusta. 2 O.L.R., 2 C. & S. 370-378, 32 S.C.R. 295, distinguished.

Toronto Railway Company *v.* Toronto (1906) A.C. 117, 75 L.J.P.C. 36, followed.

In view of the fact that the question was practically without precedent costs allowed on County Court Scale without any set off.

March *v.* Huntley (154).
March *v.* Goulbourn.

Where a subservient municipality fails to pay for its proportion of the cost of a drainage work as provided by the 62nd section of the Municipal Drainage Act, the initiating municipality is entitled to charge interest upon the amount payable from the date when it should have been paid.

When interest is payable in such a case, it may be allowed at such a rate as is just under all the circumstances.

Marlborough *v.* North Gower (105).

JURISDICTION.

Where a road drain constructed by a township municipality under its statutory authority is constructed in a negligent manner and by reason of such negligence damage ensues to an abutting owner, such owner has a remedy by action and is not confined to his remedy by arbitration under the provisions of the Municipal Act.

Smith *v.* Township of Eldon (146).

MAINTENANCE.

A large number of residents of the Township of Chatham petitioned their council that certain areas be drained by deepening and otherwise improving certain drains already made, which were not satisfactory. The council had plans and specifications, estimates, assessments, etc., made by a civil engineer, which were finally adopted by the council. Duplicate copies of the final report were served upon the Townships of Camden and Dover, through which Townships the drain would pass. The Township of Dover appealed to the Drainage Referee, taking a number of objections, all of which the referee overruled and confirmed the report, except that he altered the provision for maintenance by including the lands in Dover assessed for benefit as well as those assessed for outlet. The Court of Appeal held that the findings of the referee had been reached, after careful survey, examinations and investigations, and he, being familiar with the drainage areas in question, as well as with all the surrounding areas and the drainage system and works thereon, therefore it would be necessary for the appellants to show a very strong cause to overcome such findings, this not having been done, the appeal was dismissed.

TOWNSHIP OF DOVER *v.* TOWNSHIP OF CHATHAM (130).

MANDAMUS.

Where a drain is not out of repair there is no authority to order a mandamus to compel its improvement. Judgment of the Drainage Referee, 2 C. & S. 263, affirmed.

Query as to whether there can be any liability to repair on the part of a Township until there is notice or knowledge of lack of repair.

BAYFIELD *v.* TOWNSHIP OF AMARANTH (41).

NATURAL DRAINAGE.

Owners of lands through which a natural water course runs have a legal right to drain their lands into such water course by means of tile and other under drains, as well as by surface drains, and while they exercise this right reasonably they are not subject to prevention or interference by others down the stream, such user of the natural water course does not justify an assessment for injuring liability.

Re TOWNSHIP OF ELMA AND TOWNSHIP OF WALLACE (43).

OUTLET.

An existing culvert adopted as an outlet for a drainage scheme becomes part of the drainage scheme, even though none of the money raised for the construction of the original work has been expended upon it, and when it becomes out of repair or does no longer act as a proper and sufficient outlet it is within the jurisdiction of an engineer to report a scheme for its repair and improvement.

Re TOWNSHIP OF CAMDEN AND TOWN OF DRESDEN (44).

A proper outlet under the Ditches and Water Courses Act is one which enables the water to be discharged without injuriously affecting the lands of another, and if the outlet chosen by the engineer is not in fact a proper outlet his award is no protection to the persons acting under it as against a person not a party to it.

McGillivray *v.* Township of Lochiel (66).

Where a drainage work is continued into an adjoining municipality it is essential to its legality that it should be continued to a sufficient outlet.

The fact that the outlet is at a point where the main stream, during seasons of flood, backs up temporarily into the stream being important is not sufficient to constitute insufficiency of outlet. It must appear that there will be a further amount of water brought down by the construction of the proposed work, to such an extent as to occasion injury to lands or roads at the proposed outlet in excess of the injury which they naturally sustain.

Matilda *v.* Edwardsburgh (94).

It is a condition precedent to the validity of proceedings under the Ditches and Water Courses Act that the water should be taken to a proper and sufficient outlet.

McGillivray *v.* Lochiel, 8 O.L.R. 446, explains Chapman *v.* McEwen, 6 O.W.R. 164.

Healy *v.* Ross (236).

Plaintiff owned properties on the north side of Sixth Street, Town of Cornwall. The Town Corporation constructed a granolithic walk in the fall of 1909 on petition under the local improvement clauses of the Municipal Act, the plaintiff being an active mover in support of the petition. In 1897 a drain was constructed along the east side of the property then owned by the plaintiff and extending northward across property which he had since acquired, the outlet for this drain being a road ditch in front of the plaintiff's property. This drain was constructed ostensibly under the provisions of the Ditches and Water Courses Act, but the Town Corporation was no party to the proceedings. When the drain was constructed the side walk in front of the plaintiff's property was of plank, and where the drain passed underneath it two short planks were placed which could be lifted up to enable the plaintiff to clear out the drain. When the granolithic walk was built this contrivance was replaced by a nine-inch tile pipe. Held on the evidence that it was the intention of the Town Council that the road drain on Sixth Street should be utilized not only for the purpose of the up-keep of that street but for the surface drainage of the abutting owners, and held further that the tile pipe was not as good as the old outlet, and that as a matter of law the plaintiff was entitled to as good an outlet through the cement walk as he had had previously, and held also that the owner could recover no damages for injury resulting from the construction of the cement walk other than by arbitration under the provisions of the Municipal Act, and held

also on satisfactory evidence that the plaintiff was entitled to $200.00 damages generally and a mandamus compelling the Town Corporation to furnish as good an outlet for the drain through the cement walk as the one through the plank walk, and costs of the action.

JOLICOUR *v.* CORNWALL (220).

OUTLET LIABILITY.

The test in determining outlet liability under the Act is whether the drainage work is necessary, in fact or in law, to enable or improve the cultivation or drainage of the land proposed to be assessed, and where lands can be more effectively drained after the construction of the drainage work than before, because they will have an outlet which they did not have before, or where they are effectively drained but their waters are not taken to a sufficient outlet, so that legally speaking they have no outlet at all and the drainage work will give them a sufficient outlet, they are assessable for outlet liability.

ORFORD *v.* ALDBOROUGH (192).

A petition for a drainage work must describe a real drainage basin, and the omission from the area of any lands naturally belonging to such a basin is fatal to sufficiency.

Where an engineer has in error assessed as for injuring liability instead of for outlet liability, the referee may with consent of the engineer amend the report by placing the assessment under its proper qualification.

Where a stream is being improved for the purpose of giving sufficient outlets to several drainage schemes of which the outlets are at present insufficient, the assessment upon lands contributory to such drainage schemes is properly assessed as for outlet liability and not for injuring liability.

SOUTH GOWER *v.* MOUNTAIN, OXFORD AND EDWARDSBURGH (125).

OVERFLOW.

Action against the municipality for alleged damages resulted from a flood of plaintiff's land said to have been caused by defendant's diversion into a creek of more water than it could take care of according to its natural capacity. Defendants claim that in its natural state the creek overflowed.

Rogers Co., C. J., awarded plaintiffs $350.00 damages and costs.

Division Court held that if the defendants showed the creek overflowed in its natural state it was convincing proof that the defendants diversion increased the overflow and rendered them liable in damages.

That where an action for damages arises out of the doing of violence to another man's rights the amount of damages is not to be weighed in scales of gold. (For a discussion of the law applicable) Moore *v.* Cornwall, 23 O.W.R., 114.

MCGUIRE *v.* TOWNSHIP OF BRIGHTON (201).

PETITION.

Where what is proposed is not the construction of a new drainage work, but merely the repair and improvement of an existing system which experience has proved to be defective in that it provides no adequate outlet, the work falls within sec. 77 of the Municipal Drainage Act, and can be performed without a petition.

ORFORD *v.* ALDBOROUGH (192).

It is no longer necessary since the amendment made to sec. 3 of the Municipal Drainage Act by sec. 1 of 6 Edw. VII., ch. 37, that the petition should be signed by a majority of the owners whose lands are found by the engineer to be benefited, but it is still necessary, as it always was necessary, that the petition should describe a real drainage area, which should bear some reasonable proportion to the size and extent of the drainage scheme.

Re DUHAME AND TOWNSHIP OF FINCH (91).

The petition required by the 3rd section of the Municipal Drainage Act is a statutory condition precedent to the validity of a by-law, where the proceeding is one which under the Act is properly based upon a petition; and in such a case registration and promulgation of the by-law under the Municipal Act cannot justify the taking of proceedings under the by-law.

Where a drain was originally constructed at the joint expense of the municipality and a private owner it cannot properly be said to be a drainage work "out of the general funds of the municipality."

BROWN *v.* CORPORATION OF THE TOWNSHIP OF SARNIA (234).

QUALIFICATION OF PETITIONERS.

"The last revised assessment roll" which governs the status of petitioners, in any proceedings under the Drainage Act, is the roll in force at the time the petition is adopted by the council and referred to the referee for inquiry and report, and not the roll in force at the time the by-law is finally passed.

CHALLONER *v.* TOWNSHIP OF LOBO (21).

REFEREE.

A claim by an engineer for services rendered to a Municipal Corporation in preparing a report and plans for a drainage work, the construction of which has not actually been undertaken, is not within the jurisdiction of the Referee.

MOORE *v.* TOWNSHIP OF MARCH (137).

That, notwithstanding the wide powers given the Referee under sec. 74, he cannot alter the fixed proportions of an original assessment. Chatham v. Dover, 8 O.L.R. 132, 3 O.W.R. 882, followed.

That the mandate of the engineer under s. 77 was not sufficient, and the report and by-law should be set aside.

GIBSON *v.* WEST LUTHER (172).

In an action for damages for flooding claimed to have been caused by the building of a bridge across a creek,

Held, that the cause of complaint was not the building of the bridge, but subsequent floods within two years before the commencement of the action, and that as the Municipal Drainage Act is now framed the Court or Judge has power to transfer the action to the Referee, not only where it appears that the action should properly have been brought in the Drainage Court, but where it appears that the action may be more conveniently tried and disposed of before the Referee. McClure v. Brooke, 5, O.L.R., distinguished.

WIGLE *v.* TOWNSHIP OF GOSFIELD SOUTH (180).

REFEREE—JURISDICTION OF.

Section 93 of the Municipal Drainage Act, as enacted by 1 Edw. VII., ch. 30, sec. 4, deals only with cases of damages occasioned to others by reason of the construction of drainage work in the way provided for by the municipality, and does not refer to the claim of a contractor or workman to be paid for work performed; and therefore an action brought in the High Court which appears by the statement of claim to be one to enforce payment of such a claim should not be summarily dismissed on the ground that the Drainage Referee alone has jurisdiction; but the question of jurisdiction should be left for determination at the trial, when the facts are investigated; Meredith, J.A., dissenting.

Whether the point of law raised is brought up for hearing and disposal under Rule 259 or Rule 373, the party raising it must admit, for the purposes of the argument, that the pleading on which it is alleged that the question arises is true in fact; and for the purposes of the argument that the allegations of the statement of defence ought not to be regarded.

Judgments of Falconbridge, C.J.K.B., and a Divisional Court reversed.

BANK OF OTTAWA *v.* TOWNSHIP OF ROXBOROUGH, *et al* (107).

In an action brought against a township corporation and its contractor for damages caused by the variation of the specifications by the contractor for constructing a drain under the Municipal Drainage Act, R.S.O. 1897, ch. 226, in placing earth excavated in digging the drain upon the land of the plaintiff without permission:

Held that whether the plaintiff was entitled to be compensated or not her claim fell under sec. 93 of the above Act as amended, and her remedy was by notice and proceedings before the drainage referee as provided for by the said section, and not by writ and proceedings in an action.

BURKE *v.* THE CORPORATION OF THE TOWNSHIP OF TILBURY NORTH (71).

An official referee is only official in the sense of being an officer of the court.

The Drainage Referee being an officer of the Court with all the necessary powers, is an official referee for the purpose and within the meaning of the Arbitration Act, and an action for damages in connection with the construction of drains may be referred to him. Judgment of Meredith, C.J., C.P., reversed.

MCCLURE *v.* THE CORPORATION OF THE TOWNSHIP OF BROOKE (33).
BRYCE *v.* THE CORPORATION OF THE TOWNSHIP OF BROOKE.

REPAIRS.

An existing culvert adopted as an outlet for a drainage scheme becomes part of the drainage scheme even though none of the money raised for the construction of the original work has been expended upon it, and when it becomes out of repair or does no longer act as a proper and sufficient outlet it is within the jurisdiction of an engineer to report a scheme for its repair and improvement.

Re TOWNSHIP OF CAMDEN AND TOWN OF DRESDEN (44).

Where a drain is not out of repair there is no authority to order a mandamus to compel its improvement. Judgment of the Drainage Referee, 2 C. and S., 263, affirmed.

Query as to whether there can be any liability to repair on the part of a township until there is notice or knowledge of lack of repair.

BAYFIELD *v.* TOWNSHIP OF AMARANTH (41).

A municipality is not liable for damages caused by the non-repair of drainage works unless and until a notice specifying the non-repair is served upon it.

That an action can be brought upon a continuing damage, even though two years have elapsed from the inspection thereof.

Wigle v. Gosfield, 7 O.L.R. 32, followed.

Thackery v. Raleigh, 25 A.R. 226, distinguished.

CULLERTON *v.* TOWNSHIP OF LOGAN (216).

In 1909 Kalbfleish and other interested land owners presented a petition to the council of the township of South Easthope asking that action be taken in con-

nection with a drain which was out of repair and considered insufficient. The council appointed John Roger, C.E., under the Municipal Drainage Act to examine and prepare a scheme and assessment, which was done.

Roger, C.E., reported that these lots in South Easthope and certain lots in the Township of Downie and in the City of Stratford would be benefited by the proposed drainage and that all three municipalities should be assessed accordingly. His report stated that there would be a sufficient outlet.

Official Drainage Referee, on appeal by Stratford, found the proposed outlet insufficient, and that the assessment in the city was unwarranted.

Court of Appeal, on appeal by South Easthope, held that it was a question of evidence, that the expert testimony was directly in conflict, but that the great weight of evidence was in favour of the report of the engineer. Appeal allowed and the report of the engineer confirmed with costs thereon.

CITY OF STRATFORD *v.* TOWNSHIP OF EASTHOPE AND TOWNSHIP OF DOWNIE (157).

Upon certain repairs to a drainage work becoming necessary one of the townships interested directed their engineer to make a report, and he assessed the cost against the different townships in the proportion in which the original cost had been assessed, no proceedings having been taken under secs. 69 or 72 of the Drainage Act to vary the assessment:

Held that this was the proper mode of apportionment, and that notwithstanding the wide wording of section 71 of the Act the Drainage Referee had no power to vary an apportionment made under such circumstances.

Judgment of the Drainage Referee reversed.

TOWNSHIP OF CHATHAM *v.* TOWNSHIP OF DOVER (62).

A by-law passed by a township council on the 26th September, 1910, purporting to be a by-law for the repair and maintenance of existing drainage works in the township and for borrowing a sum to complete same, was not in fact intended to provide for the doing of any work under it, but was passed solely for the purpose of recouping the township corporation in respect of repairs and improvements already made and paid for by the council to an amount exceeding $800, without a report from an engineer, a by-law, or an assessment:

Held, (Meredith, J. A., dissenting), that the by-law must be quashed for illegality.

Order of the Drainage Referee reversed.

Per Garrow, J.A.: Where proceedings for the original construction of a drain are instituted under the Municipal Drainage Act, they begin by a petition, followed by an engineer's report. Both are in the nature of conditions precedent, required to found jurisdiction in the council to charge and assess the lands in the drainage area for the expense of the work. If subsequent repairs are required, and the cost exceeds $800, they fall within sec. 77 of the Act, which, while dispensing with the petition required by sec. 3, expressly requires a report; and only when the council has received and formally adopted such report may it undertake the work, "specified in the report," for the doing of which the engineer is given all the powers to

assess provided in respect of an original work. Sec. 89 implies an assessment lawfully made, upon the faith of which money has been advanced out of the general fund. There was no proper evidence of estoppel on the part of the appellant seeking to have the by-law quashed, even if estoppel could arise in respect of a statutory condition precedent conferring jurisdiction. The Court has a discretion on an application to quash a municipal by-law; but the discretion is a judicial one, not to be exercised arbitrarily; and there was nothing in the circumstances to justify the Court in exercising it in favor of the by-law.

Per Meredith, J. A.: The appellant waived his right as he might, to the proceedings not taken, and was estopped from seeking the unjust advantages which he was seeking in this proceeding. Township of McKillop v. Township of Logan (1899), 29 S.C.R. 702, discussed.

Re Johnston and Township of Tilbury East (174).

Where a road drain is constructed by a township municipality within its statutory authority and without negligence, the right of an adjoining owner who claims that his access has been cut off by the drain, is for compensation under sec. 437 of the Municipal Act, and otherwise he had no claim for damages.

But where the municipality allows such a road drain to become out of repair so as not to carry on past the land of an abutting owner the water which it would carry on if in a proper state of repair, such owner may claim damages on an injunction.

Donaldson *v.* Township of Dereham (147).

REPORT.

Report of Engineer.

The report of the Engineer-in-Charge, unless clearly erroneous, or involving a question of law, should not be disregarded, he being a statutory officer sworn to do his duty.

Anderdon *v.* Malden and Colchester South (207).

In 1909 Kalbfleish and other interested land owners presented a petition to the council of the Township of South Easthope asking that action be taken in connection with a drain which was out of repair and considered insufficient. The council appointed John Roger, C.E., under the Municipal Drainage Act to examine and prepare a scheme and assessment, which was done.

Roger, C.E., reported that these lots in South Easthope and certain lots in the Township of Downie and in the City of Stratford would be benefited by the proposed drainage, and that all three municipalities should be assessed accordingly. His report stated that there would be a sufficient outlet. Official Drainage Referee on appeal by Stratford found the proposed outlet insufficient and that the assessment in the city was unwarranted.

Court of Appeal, on appeal by South Easthope, held that it was a question of evidence that the expert testimony was directly in conflict, but that the great weight of evidence was in favor of the report of the engineer. Appeal allowed and the report of the engineer confirmed with costs thereon.

STRATFORD *v.* SOUTH EASTHOPE AND DOWNIE (157).

(IN THE COURT OF APPEAL.)

Jan. 7th, 1901.

CHALLONER *v.* TOWNSHIP OF LOBO.

(Reported in 1 O.L.R. 156.)

Drainage. Qualification of Petitioners. "Last revised Assessment Roll."

The "last revised assessment roll" which governs the status of petitioners in proceedings under the Drainage Act is the roll in force at the time the petition is adopted by the council and referred to the engineer for enquiry and report, and not the roll in force at the time the by-law is finally passed.

Judgment of Meredith, C.J., 32 O.R. 247, reversed.

An appeal by the defendants from the judgment of Meredith, C.J., reported 32 O.R. 247, was argued before Armour, C.J.O., Osler, Moss and Lister, J.J.A., on the 23rd of November, 1900. The facts are stated in the report below and in the judgments in this court.

Talbot Macbeth, for the appellants.

T. G. Meredith, for the plaintiff.

A. Stuart, for the contractors.

January 7. ARMOUR, C.J.O.: The first question to be determined in this appeal is whether the last revised assessment roll for the year 1898, or the last revised assessment roll for the year 1899, is the roll which is to govern the proceedings taken under the petition which forms the basis of the proceedings.

The petition, which purports to be the petition of the majority in number of the resident and non-resident persons, (exclusive of farmers' sons not actual owners) as shown by the last revised assessment roll to be the owners of the lands to be benefited, is dated on the 10th of April, 1899, and was presented to the council on the same day, and the council thereupon on the same day passed a resolution granting the prayer of the petition and instructing the clerk to ask the township engineer to make plans, specifications and detailed estimates of the drain work to be constructed, and report to the council.

At the date of the petition, of its presentation to the council, and of the instructions to the engineer, the last revised assessment roll was that of 1898.

The engineer made his report on the 26th of July, 1899, and it seems to have been assumed that at this date the assessment roll for the year 1899 had been finally revised.

The engineer's report was filed with the clerk of the municipality on the 31st of July, 1899, and he, on the 2nd of August, 1899, gave the notices required to be given by sec. 16 of the Municipal Drainage Act, naming therein the 14th of August, 1899, for the meeting of council at which the report of the engineer would be read and considered.

Sec. 17 of the Act R.S.O., 1897 ch. 226, provides: "The municipal council shall at the meeting mentioned in such notice immediately after dealing with the minutes of its previous meeting, cause the report to be read by the clerk to all the ratepayers in attendance, and shall give an opportunity to any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing the same and filing it with the clerk, and shall also give those present who have not signed the petition an opportunity so to do; and should any of the roads of the municipality be assessed, the council may, by resolution, authorize the head or acting head of the municipality to sign the petition for the municipality, and such a signature shall count as that of one person benefited in favor of the petition."

The municipal council held the meeting mentioned in the notice and the report was read thereat to all the ratepayers in attendance, and any person who had signed the petition was given an opportunity to withdraw from it, and any person of those present who had not signed the petition was given an opportunity so to do, but it does not appear that any person who signed the petition withdrew from it, or that any person of those present who had not signed the petition did so.

The petition which any person who had not signed it was given an opportunity so to do, was the petition dated the 10th of April, 1899, which was presented to the council on that day, and the prayer of which was on that day granted, and in respect of which the engineer was instructed to make plans, specifications, and detailed estimates of the drainage work to be constructed, and to report to the council.

The date of the petition was not to be altered by reason of any person who had not signed it, then signing it, but it was to be signed dated as it was, and the person signing it so dated must have been at its date a person shown on the then last revised assessment roll to be an owner of land to be benefited in the area described in the petition, which then last revised assessment roll was the last revised assessment roll for the year 1898.

The said meeting of the municipal council was adjourned from the 14th of August, 1899, to the 21st of August, 1899.

Sec. 18 of the Act provides that "should the petition at the close of the said meeting of the council contain the names of the majority of the persons shown as aforesaid to be owners benefited within the area described, the council may proceed to adopt the report and pass a by-law authorizing the work, and no person having signed the petition shall, after the adoption of the report, be permitted to withdraw."

Persons who had signed the petition being allowed to withdraw from it, and persons who had not signed it being allowed to sign it, it became necessary to provide for then ascertaining whether the petition then contained the names of the majority shown as aforesaid, that is, by the last revised assessment roll referred to in the petition, being the last revised assessment roll for the year 1898, to be owners benefited within the area described.

I am of the opinion, therefore, that it must be held that the last revised assessment roll for the year 1898—the last revised assessment roll at the date of the petition, of its presentation, of the granting its prayer, and of the instructions given to the engineer in compliance with it—governs all the proceedings taken under the petition.

The last revised assessment roll of 1898 was not put in evidence, nor was any evidence given that the petition did not contain the names of the majority in number of the resident and non-resident persons (exclusive of farmers' sons not actual owners) as shown by that roll to be the owners of the lands to be benefited in the area described in the petition.

The engineer attended the meeting of the council on the 21st of August, 1899, and, before the adoption of his report, amended the assessment of certain lots by distributing the assessment according to the ownership of the several parts of the lots, the parties concerned being present, and he giving to them the amended assessment, and the next day sending to the clerk a letter containing such amended assessment, and the by-law was passed containing the engineer's assessment as so amended.

And I see nothing in this to vitiate the report or by-law.

The petition prayed for the drainage of a certain area, describing it by means of (1) a drain or drains; (2) deepening, straightening, widening, clearing of obstructions, or otherwise improving the stream, creek or water course known as Crow's Creek; (3) lowering the water of Crow's pond; following in these respects the form of petition given by the Drainage Act.

And it was objected that because all these means were not adopted for the drainage of the described area, the council had no power to authorize the undertaking of the work.

But the work to be done was the drainage of the described area, and it was for the engineer to determine the means by which it was to be done, and he determined that it was unnecessary to adopt all the suggested means of doing the work, and that it could be efficiently done without doing so.

And there is nothing in this objection.

It was also objected that at the time the work was commenced and also at the time this action was brought, no by-law had been passed by the appellants authorizing the execution by them of the contract with the defendant Oliver, nor was any contract in fact entered into by them with Oliver or properly executed by Oliver.

It appeared that the appellants had advertised for tenders for doing this drainage work, and that Oliver's tender had been accepted by resolution of the council, and that he had executed a contract with the appellants to do the work, which purported to be under seal, but was not sealed by Oliver.

Oliver in doing the work was acting under the authority of the appellants, and it does not concern the respondent that the appellants may not have been properly bound by contract with Oliver but have only become so since the commencement of the action.

In my opinion the appeal must be allowed with costs, and the action dismissed with costs.

OSLER, J. A.: One of the questions argued at the trial and on the appeal is, by what assessment roll the proceedings of the defendants on passing the by-law should have been governed—that of 1898 or that of 1899? Ought the majority of owners in the drainage area to be the majority as shown by the assessment roll which happened to be last revised assessment roll at the time when the council was in a position to pass the provisional by-law, or the majority as ascertained by the roll in force when the petition for the drainage scheme was referred to the engineer to examine and report upon it and to make the necessary assessment therefor? It must be said that the provisions of the present Act are so framed as to make it difficult to form a positive opinion on the subject, but I have arrived at the con-

clusion that it was not the intention of the Legislature by the Drainage Act of 1894, R.S.O. 1897, ch. 226, to make any change in the former practice in this respect.

The council on receiving a petition signed in the prescribed manner, i.e., by the majority in number of the resident and non-resident persons (exclusive of farmers' sons not actual owners) *as shown* by the last revised assessment roll *to be the owners* of lands to be benefited in any described area, for the drainage of such area, are authorized to procure an engineer to make an examination of the area and to prepare a report, plans, specifications, and estimates of the work, and to make an assessment of the lands and roads within the area to be benefited, stating the proportion of the cost of the work to be paid by every road and lot or portion of lot for benefit, outlet, and relief from injuring liability: sec. 3 (1).

Then, how is the engineer to proceed in apportioning the assessment over this area? The Act gives no specific instructions on this point. His report, assuming that he does not find that other lands than those described in petition will be benefited or ought to be assessed, deals with the land in the drainage area and its sub-divisions alone. He does not assess or name in his report any individual owner. He must, nevertheless, acquire some knowledge of the various sub-divisions of the land in order to assess the parts belonging to different owners with their proper proportions, and as he must assess with reference to ownership this knowledge, as it appears to me, must be obtained from the assessment roll, where the status of the individual owners of the various parcels to be assessed is ascertained for the purpose of his proceedings. Sec. 6 provides that he need not confine his assessment to the part of the lot actually affected, but may place it on the quarter, the half, or the whole lot containing the part affected, if the owner of such part is also the owner of the lot or other said subdivisions, but he has no authority to ascertain or to report that any one is an owner.

To ascertain who are the parties assessed, whether it be for the purpose of giving the notice required by sec. 9, sub.-sec. 7, or the notice of the meeting provided for by sec. 16, at which the report will be read and considered by the council, which notices the clerk of the municipality is required to give when the engineer's report has been filed, the clerk must also refer to the assessment roll. That must be the roll on which the petition was based, on which the council acted in determining to refer the matter to the engineer, and on which the latter must have acted on making up his report.

Sec. 9, sub-sec. 7, speaks of notice to the "parties assessed," as also does sec. 16, but these parties appear by sec. 16 to be the "owners of every parcel of land assessed" within the described area, because none but owners can be assessed for the purpose, and the only means of identifying such owners and giving them the prescribed notice must be the roll on which the engineer has proceeded in making his report and on which they appear to be assessed as owners.

Sub-sec. 7 of sec. 9 is an amendment to the Drainage Act of 1894, and comes from 59 Vict., ch. 66, sec. 1, (O). I hardly see what object was intended to be served by it, as the existing law, 57 Vict., ch. 56, sec. 16, (*o*), had already provided more fully for giving notice of the report to the parties assessed.

Before the Drainage Act of 1894, from which secs. 16, 17 and 18 of the present Act are derived, there would, I think, have been no room for argument that the "last revised assessment roll" which governed the proceedings throughout was not that upon which the council had acted when referring the petition to the engineer. These sections were directed to meet the difficulty, which had not in-

frequently arisen, of parties who had signed the petition withdrawing their names therefrom and defeating it after all the expense involved in the examination and report had been incurred. They are now given a clear right to do so at a certain stage of the proceedings newly provided for, subject to indemnifying the council; and at that stage other persons who might have signed the petition are given the right to support it by adding their names thereto. But these persons must have been on the roll on which the proceedings were initiated. I think that is what is meant by "shown as aforesaid" in sec. 18. It cannot have been intended that there should be two "last revised assessment rolls," which would be the case if these new signatories were to be ascertained from a later roll than that on which the petition was based. If that were the roll to be looked at it would be the duty of the council to compare the petition and report with that roll, and to decline to pass any by-law if it should appear therefrom that the petition was not sufficiently signed, and thus to drop all the proceedings at that stage without remedy against any one for any of the expenses they had been put to.

I can hardly conceive that such a result as this was contemplated or intended by the Legislature. On the whole, therefore, I think that the Act fairly admits of the construction that the roll which is to be regarded as the last revised assessment roll throughout is that which was the last revised assessment roll when the council took action upon the petition—in this case the roll of 1898. That must be taken to be the roll referred to in the by-law, and as the plaintiff made no attempt to prove, much less to impeach it, the by-law stands and defeats the action.

Moss and Lister, J.J.A., concurred with Osler, J.A. Appeal allowed. R.S.C.

(IN THE COURT OF APPEAL.)

March 13th, 1901.

CHALLONER *v.* TOWNSHIP OF LOBO *et al* (NO. 2).

(Reported in 1 O.L.R. 292.)

Appeal—Effect of Allowing—Non-appealing Party—Costs.

Action to restrain a township corporation and a contractor from constructing a drain authorized by by-law of the township. The judgment of the High Court granted an injunction against and ordered costs to be paid by both defendants, and ordered the corporation to indemnify the contractor if he paid them. The corporation appealed to the Court of Appeal, making the contractor a respondent: the latter appeared at the hearing of that appeal, but did not himself appeal. The appeal was allowed with costs:

Held, that the result of allowing the corporation's appeal was that, as the plaintiff's right to recover against the contractor depended upon his right to recover against the corporation, the action must be dismissed as against both defendants, but the contractor could have no costs of the appeal.

Semble, that he should have his costs below against the plaintiff.

Peterkin *v.* McFarlane (1881), 6 A.R. 254, *Re* Gabourie, Casey *v.* Gabourie (1887), 12 P.R. 252, Esdaile *v.* Payne (1889), 40 ch. D. 520, and Dilke *v* Douglas (1880), 5 A.R. 63, distinguished.

McDermott v. McDermott (1870), 3 Ch.. Ch. 38, approved.

Motion by the plaintiff for the direction of the Court of Appeal as to the form of the certificate to be issued, showing the judgment of the court pronounced on the 7th January, 1901, (ante p. 156), allowing an appeal by the defendant corporation from the judgment of Meredith, C.J. (32 O.R. 247). The judgment of the Court of Appeal, as pronounced, was that the appeal should be allowed with costs and the action dismissed with costs. The defendant Oliver had served notice of appeal, but had not prosecuted his appeal. He was made a party and was represented by counsel upon the argument of his co-defendants' appeal.

The motion was argued before Armour, C.J.O., Osler, Maclennan, Moss and Lister, J.J.A., on the 13th March, 1901.

Aylesworth, K.C., for the plaintiff.
H. J. Scott, K.C., for the defendant corporation.
R. U. McPherson, for the defendant Oliver.

March 13. The judgment of the Court was delivered by Osler, J.A.: Action to restrain construction of a drain authorized by by-law of Lobo. The defendant Oliver is the contractor by whom the works authorized were being executed. Judgment was given at the trial for the plaintiff against both defendants, declaring the by-law invalid and restraining the defendants and each of them from constructing or continuing the drain, etc. Both defendants were ordered to pay the plaintiff's costs, and the township was ordered to indemnify Oliver if he paid them. The Township of Lobo appealed; Oliver did not; he was made a party respondent, and appeared on the argument and proposed to support Lobo's appeal, but was not heard.

The plaintiff contends that Oliver not having appealed the judgment against him must stand.

Several cases were cited, but I think that they are easily distinguishable.

In Peterkin *v.* McFarlane (1881), 6 A.R. 254, no further relief seems to have been sought against the estate represented by the non-appealing defendant. I do not see that even the question of costs against him was involved. The only inquiry directed against him was as ancillary to a redemption suit. If the appealing defendant succeeded in maintaining the defence set up by the supplemental answer which he was permitted to file, there would be an end of the whole case against all the defendants. If he failed, there seemed to be no reason to deprive the plaintiff of the advantage of such a judgment as he had against the estate represented by the non-appealing defendant, who or whose predecessor had admitted the plaintiff's right to redeem so far as he was concerned.

In re Gabourie, Casey *v.* Gabourie (1887), 12 P.R., 252, two legatees by appealing from the Master's report, had succeeded in charging the executor with their share of a certain sum which he had lost to the estate. Other legatees who did not appeal would not profit, nor would it have been right that they should profit, by that appeal so as to fix the executor with a further liability to them also. They were, therefore, forced to ask leave to bring their own appeal.

In Esdaile *v.* Payne (1889), 40 Ch.D., 520, the action was against various occupiers of property within a parish for arrears of tithes commutation payable in respect of the particular property occupied by each defendant. There was a judgment for the plaintiff against all the occupiers, for the commutation payable by each in respect of his own property.

Ultimately some of the defendants appealed to the House of Lords, and their appeal was allowed on the ground that the Statute of Limitations was a good

defence. Here also the final success of the appealing defendants did not enure to the benefit of those who had not appealed, who did not claim through the others, and who had not in the litigation raised the defence which proved successful in the case of their co-defendants. There were, in effect, several judgments against different parties for different demands. It was plainly necessary that each should have appealed from the judgment against himself.

Dilke *v.* Douglas (1880), 5 A.R. 63, is a somewhat complicated and not well reported case, so that it is not until it is carefully read that the meaning of the last paragraph (much relied on) on page 82 is intelligible. It is simply this: that, as the defendant Duffy did not appeal (though at one place in the report she is spoken of as an appellant), the decree against her, which was held to be right, merely stood, and she was not ordered to pay the costs of the appeal. Her condition was contrasted with that of the defendant Douglas, who was in the same boat with her below, but who did appeal, and whose appeal was dismissed with costs. The appeal of the other defendants on a ground not open to Duffy or Douglas was allowed with costs.

In the present action no case was made for relief against Oliver except through the case made against the principal defendant, the township, and the plaintiff was not entitled to recover against him unless he established his case against Lobo by defeating the by-law. What should the trial judge have done—what decree made—had he decided in accordance with what this Court has held to be the law? He must have dismissed the action against both defendants. And that, I think must be the result of our judgment now, even though Oliver did not formally appeal. He seems to have been made a respondent, so that he was really before the Court. He can have no costs of the appeal, though he should probably have his costs below against the plaintiff in the usual way.

The case of McDermott *v* McDermott (1870), 3 Ch. 38, supports this conclusion.

SUPREME COURT OF CANADA.

Nov. 12th, 1901.

(Reported in S.C.R. 32, 295.)

THE TOWNSHIP OF ELIZABETHTOWN (Plaintiff) Appellant,

—and—

THE TOWNSHIP OF AUGUSTA (Defendant) Respondent.

AN APPEAL FROM THE COURT OF APPEAL FOR ONTARIO.

In 1884 a petition was presented to the Council of Elizabethtown asking for the removal of a dam and other obstructions to Mud Creek into which the drainage of the township and of Augusta emptied. The council had the creek examined by an engineer who presented a report with plans and estimates of the work to be done and an estimate of the cost and proportion of benefit to the respective lots in each township. The council then passed a by-law authorizing the work to be done which was afterwards set aside on the ground that the removal of an artificial obstruction was not contemplated by the law then in force, sec. 570 of the Muni-

cipal Act, 1883. In 1886 the Act was amended and a fresh petition was presented to the Council of Elizabethtown which again instructed the engineer to examine the creek and report. The engineer did not again examine it (its condition had not changed in the interval) but presented to the council his former report, plans, specifications and assessment and another by-law was passed under which the work was done. In an action to recover from Augusta its proportion of the assessment:

Held, affirming the judgment of the Court of Appeal (2 Ont. L.R. 4) Strong C.J. dissenting, that the amendment in 1886 to sec. 570 of the Municipal Act, 1883, authorized the Council of Elizabethtown to cause the work to be done and claim from Augusta its proportion of the cost.

Held, further, reversing said judgment, that the report of the engineer was sufficient without a fresh examination of the creek and preparation of new plans and a new assessment.

Present: Sir Henry Strong, C.J. and Sedgewick, Girouard and Davies.

(Mr. Justice Gwynne was present at the hearing but died before judgment was given.)

Appeal from a decision of the Court of Appeal for Ontario, (1) affirming the judgment at the trial in favour of the defendant.

The facts of this case are stated by Armour, C.J.O., in the Court of Appeal, as follows:

Mud Creek flows from Mud Lake in the Township of Elizabethtown, in an easterly direction through lots 28 to 14, inclusive, and through part of lot 13, and through lots 12 to lot A inclusive, in the 9th concession of the said township, and thence across the town line between the Townships of Elizabethtown and Augusta; thence through lot 37 in the 9th concession of Augusta and across the concession line between the 8th and 9th concessions, and thence through part of lot 37 and through lot 36 in the 8th concession of the last mentioned township, on which last mentioned lot was a mill dam owned by one Bellamy, which penned back the waters of the said creek and caused them to overflow a large quantity of land in the said townships. Negotiations were had with the said Bellamy for the removal of the said dam, who agreed to do so far the sum of $5,000.

In 1884, a petition having been presented to the Council of Elizabethtown, for the removal of obstructions, the principal of which was the said dam, which prevented the free flow of the waters of the said creek, the Council acting in accordance, as they thought, with the law as it then was—The Consolidated Municipal Act, 1883, sec. 570—procured one Willis Chipman, an engineer to make an examination of the creek from which it was proposed to remove obstructions, and procured plans and estimates to be made of the work by such engineer and an assessment to be made by him of the real property to be benefited by such work, stating, as nearly as might be in his opinion, the proportion of benefit to be derived therefrom by every road and lot or portion of lot. Thereafter, in April, 1885, the said engineer made his report to the Council of Elizabethtown with the said plans and estimates and the assessment made by him, and the Council of Elizabethtown thereupon passed a by-law for the aforesaid purpose and having served the Council of the Township of Augusta with a copy of the report, plans, specifications, assessment, and estimates of the said engineer, the last mentioned council appealed and the arbitrators appointed determined that the law did not apply to the removal of an artificial obstruction, such as the dam above mentioned, and so the proceedings became abortive. And in order to remedy this difficulty, the Municipal Amendment Act, 1886, sec. 22, was passed amending sec. 570 of the

Consolidated Municipal Act, 1883, by adding thereto subsecs. 18, 19 and 20, therein set forth.

Thereafter, on the 4th September, 1886, a petition was presented to the Council of Elizabethtown, purporting to be of a majority of the persons shown by the last revised assessment roll to be the owners of the property to be benefited by the work therein mentioned, setting forth that a stream known as Mud Creek running through the Township of Elizabethtown, and from thence to the Township of Augusta, in the County of Grenville, was obstructed by a certain dam belonging to one John B. Bellamy, erected on lot number 36, in the 8th concession of the said Township of Augusta, then known as Bellamy's mill dam, and by other obstruction which said dam and obstructions prevented the free flow of the waters of the said creek. That the said John B. Bellamy had agreed in consideration of five thousand dollars, to take down and remove said dam.

That the taking down and removal of said dam, and of the other obstructions in said creek from said dam to the east side line of lot number 30, in the 8th concession of the said Township of Elizabethtown, and lots numbers 1 to 16, inclusive, in the 9th concession of the said Township of Elizabethtown, and lots 37 to 33, inclusive, in the 8th and 9th concessions of the said Township of Augusta. And the petitioners prayed that the said mill dam and other obstructions in said creek might be removed (said mill dam being removed by carrying out and completing said proposed arrangement with said John B. Bellamy) from the said dam of the said John B. Bellamy, up to the east side line of lot number 30, in the 8th concession of said Township of Elizabethtown, and that for that purpose all proper steps might be taken in pursuance of the Municipal Act, and the sections thereof relating to drainage, and all proper by-laws passed and surveys made. It was admitted that the last revised assessment roll of the Township of Elizabethtown at the time of the presentation of this petition was signed by a majority in number of the persons, shown by that roll to be the owners, whether resident or non-resident of the property to be benefited in the Township of Elizabethtown. The owners to be benefited in the Township of Augusta were not taken into account. The Council of Elizabethtown thereupon instructed the said Chipman to make an examination of the creek from which it was proposed to remove the said obstructions, and procured plans and estimates to be made of the work by turn and an assessment to be made by him of the real property to be benefited by such work, stating as nearly as might be, in his opinion, the proportion of benefit to be derived therefrom by every road and lot or portion of lot. Chipman did not proceed, under these instructions to make another examination of the creek, and fresh plans and estimates and a new assessment, but on the 19th May, 1887, made a new report, accompanying it with the plans, estimates and assessment he had previously made, and dating them as he had dated the report. This report showed $4,986 to be assessable against lands and roads in Elizabethtown, and $764.00 against lands and roads in Augusta.

The Council of Elizabethtown thereupon passed the prescribed by-law in due form and on the 20th July, 1888, the Council of the Township of Elizabethtown served the head of the Township of Augusta with a copy of the report, plans, specifications and estimates of the said engineer which were not appealed from. The Council of the Township of Augusta never passed any by-law as required by sec. 581 of the said Act for raising the sum named in the report as assessable against the real property in that township benefited by the said work, nor did they pay over the same or any part thereof to the Township of Elizabethtown, and

the Council of the Township of Elizabethtown having paid the whole cost of the work, seeks in this action to recover against the defendants the sum named in the report as assessable against the lands and roads in the Township of Augusta. The action was tried before Street J., at Brockville, on the 14th June, 1900, who dismissed the action with costs, His Lordship being of opinion that the proceedings were not authorized by the Municipal Act.

The plaintiffs appealed from the judgment to the Court of Appeal in which their Lordships unanimously held against the ruling of Mr. Justice Street as to the statute law, but were equally divided in opinion on a ground not previously taken, Osler and Leslie J.J., holding that the engineer should have made a fresh examination and prepared a new assessment before reporting to the council the second time, while Armour, C.J.O., and Moss, J., were of opinion that the plaintiff should succeed. The judgment at the trial, therefore, stood affirmed, and the plaintiff appealed to the Supreme Court.

Watson, K.C. and H. A. Stewart, for the appellant.

J. A. Hutcheson, for the respondent.

The Chief Justice (dissenting): If we could accept the construction placed on the statute in question here by Galt J. in the case of the Township of West Nissouri *v.* The Township of North Dorchester (1), namely, that the jurisdiction of the County Council under sec. 598 of 46 Vict., ch. 18, was exclusive, and that the case was not one falling within sec. 570 and the following sections of the same Act, there would be no difficulty in deciding the present appeal. But although that would have seemed to have been a much more reasonable provision and much more just and equitable in its results as regards landowners in the servient townships, yet such a construction cannot be adopted in the face of the permissive terms of section 598 especially when we find that section 570 and those sections which follow expressly include a case like the present, and however unfair and unjust the consequences we are, therefor, bound to follow the plain language of the statute. Consequently, this view, although concurred in by the Divisional Court in the case cited, cannot prevail.

Neither for the same reason can we adopt the ingenious interpretation of the learned Chancellor and hold that the landowners benefited in the two townships are to be considered as forming for the purposes of the Act one mass, or a quasi-municipality, and that a majority of the whole body of owners in both townships (not a double majority as suggested by Henry, J., in *The Township of Chatham* v *The Township of Dover* (1), but a majority of the whole) should be held to be necessary to put the machinery of the Act in motion. This again would have been an improvement upon the actual enactment, but it manifestly was not the intention of the Legislature, and so to hold would be making the law and not merely construing the statute as we find it.

Mr. Justice Street was, however, bound by the judgment of the Division Court in the *West Nissouri Case* (2) and could not have done otherwise than follow it.

Then, adopting the construction which all the judges of the Court of Appeal have placed upon the Act, namely, that sec. 570 and the following sections of the amended Municipal Act of 1883 (so amended by the Act of 1886 as to include obstructions caused by mill dams) applied, I am still of opinion that the appeal should be dismissed.

The very harsh operation of those sections as applied to the present case, by which not only are the landowners in Augusta supposed to be benefited though

against their will and made liable for what they did not want, but all the ratepayers of the Township of Augusta are compelled to contribute to the expense of the removal of this dam though their properties were miles away from Mud Creek, alone make it incumbent on the court to see that the appellants have made out their case when tested in the strictest manner. In the first place I agree entirely with Mr. Justice Lister in holding that the prerequisites to the respondents' liability have not been performed. I agree in the quotation from Mr. Justice Gwynne's judgment in the Township of McKillop v. The Township of Logan (1) 29 Can. S.C.R. 702, when he says that these prerequisites must be found to have been complied with "in the minutest particular."

Then it is not proved that Mr. Chipman, the engineer, ever made the examination, prepared the plans and estimates or made any assessment of the properties to be benefited at any time after the statute of 1883 had been so amended by that of 1886 as to include obstructions caused by mill dams. What he had done some years before when no statutory provision applied to such a case cannot on any known principles of law be utilized as a compliance with the statute. It is enough to say the requirements of the Legislature were never complied with. It is not, however, merely a dry technical objection but one which may be of great substantial importance to landowners for in the interval between the date of the actual survey made by Chipman and the passing of the second by-law, ownerships might have changed, values altered and many other things have occurred making it material that there should have been a proper compliance with the Act by an actual examination, assessment and estimates subsequently to the amending Act.

Then I do not agree with the learned Chief Justice that a debt obliging the municipality as a corporation was created. The duty of the municipality if it did not appeal was to enforce the assessment imposed on the landowners who profited by the supposed improvement. The statutory debt created was a burden upon these landowners and upon them alone. No words are to be found in sec. 580 or in any part of the Act imposing any duty upon the municipality beyond that stated. The case of *The Borough of Salford* v. *The County of Lancashire*, 25 Q.B.D., 384, is in my judgment precisely in point to show that the only remedy against the respondents by way of action was one in the nature of the common law action upon the case to which the statute of limitations, which is pleaded, would be a bar.

As to a mandamus, the case is altogether too stale to warrant any interference in that way even if all the statute required had been complied with.

A further objection which appears to have been taken at the trial and which was also taken in the reasons of appeal and in the respondents' factum here, was that it nowhere appears in proof that a majority of the owners benefited in Elizabethtown alone joined in the petition. I can discover no evidence upon which an answer to this objection can be based, and as it goes to the very root of the proceedings it must be considered fatal.

In my opinion the appeal should be dismissed.

This judgment, however, is a dissenting one since my learned brothers, Sedgewick, Girouard and Davies differ from me. In their opinion the appeal should be allowed.

The judgment of the majority of the Court (Sedgewick, Girouard and Davies J.J.) was delivered by:

DAVIES, J.: Two questions only arose upon this appeal. One was of a substantive character and went to the root of the action. It was based upon the pro-

position that the proceedings taken by the Township of Elizabethtown for the removal of the dam in the Township of Augusta were *ultra vires* and were not covered or cured by the amendment of 1886 of the Municipal Act, and that, therefore, the plaintiff could not recover from defendant any share of the expenditure incurred by it in the removal of that dam and other obstructions in such parts of Mud Creek as were situated in Augusta Township.

The other objection was as to the regularity of the proceedings, it being contended that the engineer had not made such a survey of the lands to be affected by the improvements as was required by the statute. It is upon this latter objection only that there appeared to be any difference of opinion in the Court of Appeal for Ontario.

We are of opinion, for the reasons given by Mr. Justice Moss, that the proceedings on the part of the engineer must be taken to have been legal and effective, and for the reasons given by Chief Justice Armour on the main ground we think that the amendments of 1886 to the Municipal Act gave the plaintiff ample authority to take the proceedings it did for the removal of the dam and other obstructions, and to maintain this action against the defendant (respondent) for the amount of the cost assessable against lands and roads in Augusta Township.

The appeal, therefore, will be allowed with costs in this Court and in the Court of Appeal, and judgment entered for the plaintiff in accordance with the judgment of Chief Justice Armour.

Appeal allowed with costs.

Solicitor for the appellant: H. A. Stewart.

Solicitors for the respondent: Hutcheson and Fisher.

SUPREME COURT OF CANADA.

CHALLONER *v.* THE TOWNSHIP OF LOBO AND GEORGE OLIVER.

(Reported in 32 S.C.R. 505.)

Drainage—Qualification of Petitioner—"Last Revised Assessment Roll"—R.S.O. (1897), ch. 226—Costs of Non-Appealing party.

Judgment appealed from (1 Ont. L.R. 156, 292) affirmed. March 12, 1902.

Appeal from the judgment of the Court of Appeal for Ontario (1) reversing the judgment of the trial court, (2) and dismissing the plaintiff's action with costs.

The action was to restrain the corporation and their contractor from constructing a drain under authority of a by-law and, in the trial court, Meredith, C. J., decided in favour of the plaintiff (2). On appeal by the corporation to the Court of Appeal for Ontario, this judgment was reversed (1), that Court holding that the "last revised assessment roll" governing the status of petitioners in proceedings under the Drainage Act was the roll in force at the time the petition was adopted by the municipal council and referred to the engineer for inquiry and report, and not the roll in force at the time that the by-law was finally passed.

The contractor (Oliver) had been made a party to the appeal in the Court of Appeal for Ontario (1) and appeared at the hearing, but did not himself appeal. On motion, subsequently made, the Court of Appeal for Ontario held (2) that

the effect of allowing the appeal of the corporation with costs did not give the contractor any costs on such appeal.

The present appeal was made by the plaintiff (Challoner) both defendants being made respondents.

Aylesworth, K.C., for the appellant.

Shepley, K.C., and MacBeth for the respondent, the Township of Lobo.

Burbidge, for the respondent, Oliver.

After hearing counsel for the parties, the court reserved judgment, and, on a subsequent day, dismissed the appeal with costs against the appellants in the issue before the Supreme Court of Canada with the corporation but without costs to the respondent Oliver.

The following reasons for judgment were delivered:—

Taschereau, J.: This is an appeal from the judgments reported on page 156 and 292 of the first volume of the Ontario Law Reports. The majority of the court are against the appellant. If the result had depended on my conclusions, I would have been inclined to adopt the view of the case taken by Meredith, C.J., at the trial as reported (3). However, a dissent would not help the appellant.

The appeal is dismissed with costs against the appellant on the issue before this court with the Township of Lobo, but without costs in this court to the respondent Oliver.

Sedgewick, Girouard and Davies, J.J., were of opinion that the appeal should be dismissed for the reasons given by Mr. Justice Osler in the Court of Appeal for Ontario.

Appeal dismissed with costs to respondent, the Township of Lobo, but without costs to respondent Oliver.

Solicitors for the appellant: Meredith and Fisher.

Solicitors for the Township of Lobo, respondent: Macbeth and Macpherson.

Solicitors for the respondent, Oliver: Sturat, Ross and Bucke.

Present: Taschereau, Sedgewick, Girouard and Davies, J.J.

(Mr. Justice Gwynne was present at the hearing, but died before judgment was delivered.)

(1) 1 Ont. L.R. 156. (2) 1 Ont. L.R. 292. (3) 32 O.R. 247.

(DIVISIONAL COURT.)

McClure *v.* The Corporation of the Township of Brooke.—Bryce *v.* The Same.

April 17th, 1902.

(Reported 4 O.L.R. 97.)

An official referee is only official in the sense of being an officer of the Court.

The Drainage Referee, being an officer of the Court with all the necessary powers, is an official referee for the purpose and within the meaning of the Arbitration Act, and an action for damages in connection with the construction of drains may be referred to him.

Judgment of Meredith, C.J., C.P., reversed.

These were appeals from the judgments of Meredith, C.J., C.P., in the above two actions, which were argued together as the point in question was the same in both.

J. Grayson Smith, for the motions.

J. H. Moss, contra.

The following statement of facts is taken from the judgment of Britton, J., in the Divisional Court.

The actions were brought to recover damages for flooding the plaintiffs' lands, such damage being, as the plaintiffs contended, outside of and additional to those recoverable by proceedings under 1 Edw. VII., ch. 30, sec. 4 (*o*), amending R.S.O. 1897, ch. 226.

The plaintiffs are also proceeding under that Act for such other damages, which if recoverable, can be recovered only by trial before the drainage referee; and for convenience and to save expense, the plaintiffs desire to have their respective actions referred, so that the whole matter may be disposed of by that officer.

Motions to refer were heard by Chief Justice Meredith in Chambers on January 20th, 1902, and he dismissed both applications, on the ground that the Drainage Referee is not an official referee within the meaning of the Arbitration Act, by the following judgment:

Meredith, C.J. (at the close of the argument): If I were able to come to the conclusion that the drainage referee is an official referee within the meaning of sec. 29 of the Arbitration Act, R.S.O. 1897, ch. 62, I think the proper course would be to refer to him as an official referee all the matters of which the plaintiffs complain which are not within the provisions of sec. 4 of the Act of 1901, 1 Edw. VII., ch. 30, but I think it is clear that the drainage referee is not an official referee; he is a special officer appointed for the purposes of the drainage works and matters arising out of them, and the provisions of the sections which make reference to the powers of an official referee are, I think, only for the purpose of giving to him as to those matters the powers which, under the various Acts that are referred to, an official referee may exercise.

That is quite a different thing from making him an official referee.

It would follow, if he were an official referee, that a reference *in any case* might be made to him. I think that would be contrary to the spirit and intent of the legislation. This officer was set apart for this special kind of work. I think, therefore, that I have no jurisdiction to make the order which is asked.

I think, however, that it is in furtherance of justice and the interest of the parties, that the proceedings in these actions should not go on until the references before the drainage referee are concluded. The result of those references will be to determine whether or not there are matters outside of the scope of sec. 4. If there are, the plaintiffs should then have the right to go on to try their actions as to them. If there is none, then these actions can be disposed of.

I propose, therefore, if the plaintiffs desire it, to make orders staying the proceedings in these two actions pending the references under the Drainage Act, with liberty to either party to apply. The costs of these applications will be in the cause to the successful parties.

From this judgment the plaintiffs appealed, and the appeal was argued on February 10th, 1902, before a Divisional Court composed of Falconbridge, C.J.K.B., and Britton, J.

G. H. Watson, K.C., for the appeal: The plaintiffs are entitled to damages for acts of misfeasance. The drainage referee has exclusive jurisdiction in all matters within the meaning of the Act. He is an official referee, an officer of the High Court, and his term of office is the same as that of an official referee. R.S.O. 1897, ch. 226, sec. 88, subsec. 2 and 4. He has all the powers of an official referee.

Sec. 89. He may report on references to him under secs, 28 and 29 of the Arbitration Act., R.S.O. 1897, ch. 62, where the reference would only be made to an official referee, sec. 110. The official referees named in sec. 141 of the Judicature Act may be added to, subsec. 2; and the drainage referee was subsequently appointed.

J. H. Moss, contra: These actions are not limited to attacking the drains on the plaintiffs' properties, but attack the whole system of drainage. The object of the amending Act was to remove all drainage matters from the High Court to the drainage referee. The Legislature provided for such reference by sec. 94 of the original Act, but has now repealed it. If this action can be referred to the drainage referee any action could, and he would be an official referee for all purposes. If he is an official referee why confer powers on him and settle the terms of his office the same as that of an official referee? Section 141 of the Judicature Act names official referees and does not include the drainage referee.

Watson, in reply.

April 17.—Britton, J.: Before the passing of ch. 30, 1 Edw. VII. (1901), there would have been no difficulty, as sec. 94, ch. 226, R.S.O. 1897, gave the court or a judge power, on the application of either party or otherwise, and at any stage of the action, to make an order transferring or referring such action to the referee, but sec. 94 is repealed.

And now, if a claim is made for damages resulting from anything coming within sec. 4 of the amending Act of 1901, such claim can be heard and tried by the drainage referee only, and if the claim is wholly or in part for damages outside of what is provided for by sec. 4, there is no power to refer it to the referee, unless it can be done under the Arbitration Act, R.S.O. 1897, ch. 62, secs. 28 and 29.

The power under the Arbitration Act is to refer the case to (1) a Judge of a county court; or (2) to an official referee; or, *if the parties agree,* (3) to a special referee. Unless the parties agree, there can be no reference to the drainage referee, unless he is an official referee.

I have come to the conclusion, although with great hesitancy and with the greatest respect for the opinion of the learned Chief Justice, that the drainage referee, is an official referee within the meaning of the Arbitration Act, to whom such an action as this may be referred.

There is no statutory definition of official referee, but sec. 141 of the Judicature Act names persons by their office who are official referees, and the drainage referee is not there named.

The Drainage Act, R.S.O. 1897, ch. 226, secs. 88 and 89, makes the drainage referee (1) an officer of the High Court; and (2) confers upon him all the powers of an official referee under the Judicature Act and Arbitration Act.

I think an official referee is only official in the sense of being an officer of the Court.

The drainage referee being an officer of the Court with all necessary powers, is an official referee for the purposes and within the meaning of the Arbitration Act.

Con. Rule 12 provides that all the officers of the Court shall be auxiliary to one another for the purpose of promoting the convenient and speedy administration of business.

The Interpretation Act, sec. 8, subsec. 22, is as follows:—"Wherever power is given to any person, officer or functionary, to do or to enforce the doing of any act or thing, all such powers shall be understood to be also given as are necessary to

enable such person, officer, or functionary to do or enforce the doing of such act or thing."

For above reasons, and the drainage referee being specially qualified by sec. 89 of the Drainage Act with the powers of referee under the Arbitration Act, I think the appeal should be allowed, and this case should be referred to him.

Costs of appeal to be costs in the cause to the plaintiff in any event.

FALCONBRIDGE, C. J.: I agree. The answer to the argument *ab inconvenienti* is that the Court can always exercise its discretion as to what kinds of cases ought to be referred to this class of official referee.

G. A. B.

(IN CHAMBERS.)

McCLURE *v.* THE CORPORATION OF THE TOWNSHIP OF BROOKE. BRYCE *v.* SAME.

(Reported 4 O.L.R., 102.)

Appeal—Leave—Status of Judicial Officer.

Leave granted to appeal from the judgment of a Divisional Court, differing from that of a Judge in Chambers, and involving the status, jurisdiction, and authority of the drainage referee.

Motion by the defendants for leave to appeal to the Court of Appeal from the judgment of the Divisional Court, reported *ante* p. 97.

The motion was heard before Osler, J.A., in Chambers on the 26th ofApril, 1902.

J. H. Moss, for the motion.

Watson, K.C., contra.

April 28.—OSLER, J.A.—There is a plain and weighty reason for giving leave to appeal in this matter, viz., that the judgment in question involves the status, jurisdiction, and authority of a judicial officer, and the validity of proceedings which may be taken by him hereafter under the order of the Divisional Court.

Plausible reasons have been suggested—it is not now necessary to pass upon them further—against the view which has been taken by the Divisional Court. It is enough to say that these, and the subject dealt with by the judgment, justify granting leave to appeal on the usual terms.

G. A. B.

(IN THE COURT OF APPEAL.)

Dec. 1st, 1902.

IN *re* MCKENNA AND THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF OSGOODE.

(Reported in 13 O.L.R. 471.)

The power of extending the time for fyling the report of an engineer upon a municipal drainage scheme, by sec. 9, subsec. 8, of the Municipal Drainage Act, as amended by 62 Vict. (2), ch. 28, sec. 6 (*o*), can only be exercised under the condition mentioned in that subsection. It is a limited power to extend for good cause, and is dependent on inabilty of the engineer to make a report within the time fixed owing to the nature of the work, and not upon dilatoriness or supineness on his part.

An engineer was appointed to make examination and report in 1900, but did nothing within the first six months after his appointment. Various extensions were granted, several after the extended time had expired, no report was made till February, 1905, and such report was after amendment adopted by the council in June, 1905, and a by-law founded upon it, the engineer advancing no excuse for delay except press of work and lack of assistance:

Held, that when the report was made the petition was not on foot, and therefore there was no warrant to the council for adopting the report or founding a by-law upon it.

This was an appeal by the above corporation from the report of J. B. Rankin, Esquire, Referee under the Drainage Laws of Ontario, dated March 26th, 1906, whereby the report of J. H. Moore, civil engineer, in the matter of the John O'Connor drainage scheme and By-law No. 9 of the above corporation provisionally adopting the said report, were ordered to be set aside, under the circumstances stated in the judgment of Moss, C.J.O.

The appeal was argued on November 13th and 14th, 1906, before Moss, C.J.O., and Osler, Garrow, MacLaren, and Meredith, J.J.A.

Mr. Wilson, K.C., for the appellants, contended that the petition might be proceeded upon even after the expiration of the period of six months provided by subsec. 8 of sec. 9 of the Municipal Drainage Act, R.S.O. 1897, ch. 226, as amended by 62 Vict. (2), ch. 28, sec. 6 (*o*); that the petition was still alive, and having been duly signed, the municipal council had jurisdiction to do the work; and that the petition being a valid petition the proceedings ought to be upheld.

F. R. Latchford, K.C., for the respondents, contended that the council could not extend the time for the engineer's report except for the reasons given in the statute; that they had no power to extend the time as they had done in this case; that the fact that the statute does not provide for the event of deaths intervening among petitioners, indicates the intention that the work shall be promptly proceeded with.

December 1.—Moss, C.J.O.: This is an appeal from the report of the drainage referee, made in a proceeding instituted by notice of motion for an order to set aside and declare void a petition for a scheme of drainage, the report of the engineer of the township, and the resolution of the council adopting the report and the by-law in reference to the scheme which was provisionally adopted by the township.

The referee allowed the motion and restrained the corporation of the township from proceeding with the drainage work set forth in the engineer's report.

The township appeals, contending that the referee's decision should be reversed.

The record of the proceedings before the referee discloses a case with some features which are unusual, if not wholly exceptional in a drainage case. A proposal by a farmer named O'Connor to provide drainage for his farm of 125 acres, by a ditch constructed under the provisions of the Ditches and Water Courses Act, seems to have developed and expanded into a scheme for drainage which involves some 23,000 acres of land and an expenditure of over $13,000.

The township engineer to whom O'Connor's requisition under the Ditches and Water Courses Act was referred, concluded, as the result of a friendly meeting, that no drainage scheme could be carried out under the Ditches and Water Courses Act, because it would involve an expenditure of more than $1,000. Thereupon he prepared a petition for drainage of an area comprising between 700 and 800 acres of land under the Drainage Act, and handed it to O'Connor to procure signatures. The sig-

natures of seven persons, forming, it is said, a majority of the owners entitled to petition in respect of the area, were affixed to the petition, and, so signed, it was presented to the township council in August, 1900, and a by-law was then passed appointing the engineer to make an examination and report. No report was made until February 25th, 1905, and no excuse is shown for the delay except a statement of the engineer that he was unable, owing to press of other work and lack of assistance, to proceed with the examination of the area involved. His report was considered by the council on March 25th, 1905, and was referred back to the engineer to amend. The amended report was made on June 1st, and adopted by the Council on the 20th of the same month, and on July 26th, following, the by-law was provisionally adopted.

Before the first report was presented to the council two of the original seven petitioners had died. Those of the remaining five who attended the meeting of the council at which the report was read on March 25th, 1905, were amazed to discover the magnitude of the proposed scheme and the expense which it involved. They would have been willing to drop proceedings or to withdraw from the petition but for the provisions of the Drainage Act, which in that event would impose upon them the engineer's costs and other expenses connected with procuring the report. The total expenses were so large that it was apparent that it would be a saving to them to allow the scheme to be carried through and bear their share of the assessment. But the applicants who were not petitioners, or interested in the area described in the petition, but are owners of land situate in the vicinity of the drain as it extends from the place of commencement towards its final outlet, and are assessed for benefit and for outlet liability, were dissatisfied and took action before the drainage referee.

The chief points in dispute on the appeal were whether, having regard to the area described in the petition, the petition was to be deemed sufficiently signed when the council adopted the engineer's report and provisionally passed the by-law; whether the report was one that could be sustained having regard to the lapse of time between the appointment of the engineer and the making of his report; and, whether the by-law could properly provide for work in a natural stream with well defined banks which was made the outlet of the drain. The commencement of the drain was about four miles from the point where it entered the natural channel.

It appears that the engineer did nothing within the first six months after his appointment. By sec. 9 (8) of the Drainage Act, the council is empowered to extend the time for the engineer making his report, providing it is satisfied that owing to the nature of the work it was impracticable to do it within the six months. There were a number of extensions granted, but several of them were after the extended time had expired, so that there were periods when the engineer had no authority or right to proceed with the work and the council did not act upon the right given it by subsec. (9) of sec. 9 to procure another engineer to go on with the work.

These facts raise the important question whether there was a valid report upon which the council could lawfully pass a by-law for the performance of the work and the imposition of the assessments provided for by the report.

The obvious intent of the Drainage Act is that work to be preformed under its provisions shall be proceeded with and brought to a termination with reasonable expedition. The nature of the injury from which relief is sought demands that there shall be no unreasonable delay in supplying the remedy which the owners of the lands to be benefited are seeking.

To unduly delay may, and is almost certain to prove a serious prejudice, not only on account of the withholding of the remedy, but because of the inevitable

changes in the title and proprietorship of the lands in the area described in the petition which lapse of time is almost certain to bring about. It is the duty of the council of the municipality, once it has undertaken the prosecution of the drainage scheme petitioned for, to see that it is proceeded with as promptly as the circumstances of the case permit, and to allow no undue delay on the part of the engineer in making and filing his report.

This would be its duty apart from any legislation. But sec. 9 (8) of the Drainage Act provides that "the report of the engineer shall be filed within six months after the filing of the petition; provided that upon the application of the engineer the time for fyling the report may be extended from time to time for additional periods of six months when the council is satisfied that owing to the nature of the work it was impracticable for the report of the engineer to be completed within the time limited by law." The time limited by law is six months from the fyling of the petition. If an engineer fails to file his report within that time and there be no further action of any kind on the part of the council, the petition of necessity falls to the ground. But this result may be averted in either one of two ways—either the council, if satisfied that owing to the nature of the work it was impracticable for the report to be completed within the time limited, may, under subsec. (8) extend the time, or it may, under subsec. (9), employ another engineer to make the necessary report.

The power of extension given can only be exercised, however, under the condition described in subsec. (8). It is a limited power to extend for good cause. It is dependent upon inability of the engineer owing to the nature of the work, not upon dilatoriness or supineness on his part.

In this case there is no pretence that there was any good cause for the council assuming to extend the time. Their actions show that very plainly. And the engineer's only excuse was, as before stated, press of other work and lack of assistance. The council, therefore, had no power and no right to assume to extend the time beyond that limited by law. Moreover, when they did assume to make extensions, the engineer allowed the periods so given to expire, and there were times when there was no authority whatever to the engineer. The petition then lapsed and could only be revived, if at all, by the council employing another engineer. But this was never done. It is said that by again assuming to extend the time for the engineer they in effect employed another engineer. But to so hold would be to countenance a direct violation of the law, and to deprive the petitioners and others interested in the drainage scheme of the protection given by subsecs. 8 and 9 of sec. 9. To hold that the council may without any excuse or reason retain the services of a dilatory engineer for years after he could and should have made his report, would practically place no limit on the delays that might be sanctioned. There would be nothing to hinder the council from retaining a favoured engineer for any length of time. It could retain him in a state of inaction until all the petitioners had died or left the area proposed to be benefited, or had from other causes lost all interest in the prosecution of the scheme.

The proper conclusion is that when the report was made the petition was not on foot, and there was therefore no warrant to the council for adopting the report or founding a by-law upon it.

It appears a very extraordinary thing that a proceeding of this kind, which from its very nature demands expedition, should have been allowed to remain untouched for a period of nearly five years, and then when the circumstances have changed in several important respects, be brought forward in the form of a scheme of the magni-

tude of that proposed by the report and by-law. The delay, which is unexcused and inexcusable, and the change of circumstances, should have furnished the council with sufficient reasons for not permitting the matter to proceed further. If there is to be a drainage scheme such as is proposed, it surely ought to be initiated at the instance not of the few persons upon whose petition this large scheme has been promulgated, but upon the petition of a fair majority of those who are proposed to be assessed for benefit. They are the persons who will be vitally interested in its performance.

One remarkable feature of the report is that it seems to show that the scheme now proposed to be carried out is not one which will materially assist the parties to the petition, but is directed to the drainage of a different area. The report states that "on looking at the assessment Plan A it will be apparent that a large area of low land is at present without sufficient drainage, and it is with a view to improve this land and adjoining properties, which are at present submerged for the greater part of the year, that the present drainage system is proposed."

It surely ought to be the case, if the proposed scheme is really for the purpose of improving this large area of low land that the owners who are interested in that project should be the persons to say whether or not they desire such a scheme; and certainly the parties to the present petition should not be held responsible for a scheme which has so far exceeded their intentions.

The report and by-law should not be allowed to stand, and that being so it is not necessary to deal with the other matters urged in support of the referee's decision, though it is not to be assumed that they are considered of no weight.

Whether the petition ought to be deemed sufficiently signed or not can be of little importance, for it can hardly be supposed that the council of the township would, under the circumstances, assume to procure another report and proceed with another scheme founded upon that petition.

The appeal should be dismissed with costs.

OSLER, J.A.: I think the judgment of the drainage referee should be affirmed. The engineer's report was out of date, his authority to make it having expired and not having been renewed in the manner the Act provides for. The by-law founded upon it, therefore, cannot stand, and both were properly set aside. Whether the petition was originally defective or not, as having been insufficiently signed, or whether it became so by reason of the death of two of the petitioners, is no longer material. It is a proceeding upon which the council can no longer act, and the injunction directed by the referee against any further action upon it must stand.

Appeal dismissed with costs.

MacLaren and Garrow, JJ.A., concurred with Moss, C.J.O.

MEREDITH, J.A.: The extraordinary and inexcusable delays of the defendants' council, extending over five years, were contrary to both the spirit and the letter of the drainage laws in question; and so too was the extension of the narrow limits of the area of drainage petitioned for so as to obliterate them in a great scheme covering a large portion of two townships, and the more so by reason of the action of the council in requiring the engineer to alter that scheme, and of the alteration so made, by which much, if not all, of the relief sought by the petitioners was eliminated from that scheme.

Upon these large and very obvious grounds, the appeal should be dismissed. It is not necessary to consider, or mention, any of the lesser objections to the proceedings.

The proper order would have been one quashing the by-law. I do not quite understand what it meant by "setting aside" the petition. If there were any likelihood of the defendants making use of the petition, or of the engineer's report, for the purpose of carrying on any drainage works under such petition, the proper relief would be an injunction; but injunctions are not granted before danger appears, and the less so where further action by the council, now that the by-law is set aside for the reasons before stated, seems out of the question. If the petition, or report, be good for any purpose not considered in this case, we have no right now to interfere with either of them in such respect.

A. H. F. L.

See page 1, 62 Vict. (2), ch. 28, sec. 6 (*o*). Sec. 9 of the Municipal Drainage Act is amended by adding thereto the following subsections:—

8. The report of the engineer shall be filed within six months after the filing of the petition, provided that upon the application of the engineer the time for filing the report may be extended from time to time for additional periods of six months, when the council is satisfied that owing to the nature of the work it was impracticable for the report of the engineer to be completed within the time limited by law.

Other points were argued which, in view of the judgments, it is not material to report.

RAYFIELD *v.* TOWNSHIP OF AMARANTH.

Jan. 26, 1903.

(Reported in 2 O.W.R., 69.)

Where a drain is not out of repair there is no authority to order a mandamus to compel its improvement.

Judgment of the drainage referee 2 C. and s. 283, affirmed.

Query, as to whether there can be any liability to repair on the part of a township until there is notice or knowledge, of lack of repair.

Appeal by plaintiff from judgment of the drainage referee, to whom the action was referred by Boyd, C., dismissing it with costs. The action was brought for damages for injury to the plaintiff's land through being flooded with water, consequent, as he alleged, on the respondent's failure to repair certain drains, as it was their duty to do. The referee found that the plaintiff had not shown that defendants had failed to repair, and further, that plaintiff, by burning away the brush and vegetable mould on his land to a depth of eighteen inches, and thus destroying the sides of the drain, had himself to blame for his damage.

The referee held that the by-laws of the defendants directing that landowners should not permit obstructions to collect, and should clear them away when they did so, had not been observed, and that their provisions had been familiar to the plaintiff.

M. Wilson, K.C. and J. N. Fish, Orangeville, for appellant.

J. P. Mabee, K.C. and A. A. Hughson, Orangeville, for defendants.

GARROW, J.A.: The main issue between the parties was one of fact. The plaintiff claimed that his lands, crops, etc., were injured because defendants neglected their statutory duty to maintain the drain. The burden upon the plaintiff . . . was to prove that the drain was out of repair, that the defend-

ants neglected their statutory duty to remedy such lack of repair in time to have prevented the injury, and that the lack of repair was the cause of the injury . . . The defendants allege that the lack of repair was not the cause of the injury, if any . . . I am quite satisfied that the referee's judgment is correct, and based upon the very decided preponderance of the evidence appearing in the case . . . Upon the facts it appears to me clearly that the plaintiff has failed to prove that his damages, whatever they were, can be in any way attributed to the alleged neglect by defendants of their statutory duty to maintain the drain in question . . .

I have serious doubt as to whether, in any circumstances, the defendants could have been held liable, it appearing that they had no notice or knowledge of the alleged defects or lack of repairs till about the beginning of July in the year 1899, after all the injury complained of had been done. Failure to repair in a mere private matter, such as these drains are, in which the municipal corporation only acts as part of the machinery to accomplish wholly private ends, should not be put, one would think, on a higher or more imperative footing than a failure to repair a public highway, in which the whole public is interested; and in the case of the latter it is well recognized law in this Province that before the defendants can be held liable there must be either notice of the defect or circumstances showing negligent ignorance of it . . . Then, in the case of a highway, not only must there be notice or the equivalent of notice, but a reasonable time to make the necessary repairs must have elapsed before the negligence which gives a good cause of action is complete . . .

Then looking at the sections of the statutes, sec. 606 of the Municipal Act, R.S.O. 1897, ch. 223, provides for the repair of highways by the municipal corporation, and secs. 68 and 73 of the Municipal Drainage Act, R.S.O. 1897, ch. 226, for the maintenance of drains such as the one in question. Liability for damages under the first named statute is certainly not less clearly, peremptorily, and unqualifiedly stated than under sec. 73 of the Drainage Act, and yet, as we have seen, notice to the defendants is necessary under the former to perfect the liability. The latter section (73) makes provision, it is true, for the remedy by mandamus, as well as for the liability in damages for a neglect of the statutory duty to maintain, in the case of the former clearly, and in the case of the latter probably, requiring not merely that there shall be notice, but that the notice shall be in writing. My own impression is, that the proper construction of this section, as it now stands, is that notice in writing is necessary where the claim is for damages, as well as where it is for a mandamus. But, whether that is so or not, I think that there is no legal liability on the part of a municipal corporation for damages for neglecting this duty until notice of some kind of the alleged defect is given to the corporation or to its proper officer, and a reasonable time allowed to remedy the defect. In the present case the evidence shows that immediately after plaintiff notified defendants of the facts, defendants proceeded at once to make the necessary repairs. It is not contended that defendants acted negligently after notice . . .

Raleigh v. Williams (1893), A.C. 540, considered and distinguished.

The appeal, however, fails upon the merits and should be dismissed with costs, quite apart from the important question of the want of notice.

Moss, C.J.O.: I think the learned referee reached the proper conclusion, and that the appeal should be dismissed. On the question of what, if any, notice a

municipality should receive of want of repair of a drain constructed under or subject to the provisions of the Drainage Act, I express no opinion.

Much may be said in favour of the convenience of requiring notice to be given in writing, but there are cases such as that of a person who is not aware of the condition of want of repair before it has inflicted damage upon him, which have to be considered, and I prefer to withhold for the present any expression of opinion on the subject.

MacLennan and MacLaren, J.J.A., concurred.

COURT OF APPEAL.

Re Township of Elma and Township of Wallace.

March 6, 1903.

(Reported in 2 O.W.R. 198.)

Owners of lands through which a natural watercourse runs have a legal right to drain their lands into such water course by means of tile and other under-drains as well as by surface drains, and while they exercise this right reasonably they are not subject to prevention or interference from others down the stream; such user of a natural water course does not justify an assessment for injuring liability.

An appeal by the corporation of the Township of Elma from the judgment or decision of the referee under the Drainage Act upon an appeal to him by the corporation of the Township of Wallace from the report of John Roger, an engineer appointed by Elma to make an examination and report in respect of a scheme of drainage petitioned for by certain land-owners in the township.

The engineer by his report fixed the entire cost of the whole work at $21,117.42, and assessed roads and lands in Wallace for $2,717.92.

On appeal by Wallace to the referee he determined that the roads and lands in that township were not liable to contribute to the drainage works in question, and ordered that the assessments made on such roads and lands be set aside, and that the drainage work proposed and proved for in the report be not proceeded with by Elma at the expense of Wallace.

The grounds taken by Wallace were, that the scheme of drainage work in question was unnecessary so far as Wallace was concerned, and was not a benefit; that to be effectual it should provide for a better outlet by improving the north branch of the Maitland River, flowing south-west from Listowel; that it did not provide a sufficient outlet; that the proportion assessed against Wallace was unjust, unequal, and excessive; and that the petition and preliminary proceedings were insufficient to warrant the action taken by Elma, and to warrant the report.

At the hearing before the referee it was agreed that the inquiry should be restricted for the present to the question of the engineering feasibility of the drainage work, and the legality of the scheme, leaving the adjustment of the assessment and any other questions to be dealt with at a later date in case the report was upheld as against the principal objections.

The question of law for decision was, whether the roads and lands in Wallace were assessable either for outlet or injuring liability. There was no assessment for benefit, and it was not asserted that any benefit could be derived by Wallace.

The referee held that the roads and lands in Wallace could not be legally assessed either for injuring or outlet liability.

A. B. Aylesworth, K.C. and H. B. Morphy, Listowel, for appellants.

D. Guthrie, K.C. and J. P. Mabee, K.C., for corporation of Wallace.

The judgment of the Court (Moss, C.J.O., Osler, Garrow, MacLaren, JJ.A.) was delivered by:

Moss, C.J.O.: I am of opinion that the referee's conclusion is right and his decision should be affirmed.

No part of the drainage work is in the Township of Wallace. The nearest point of the work in question is nine miles from the boundary of Wallace, and there is a fall of seventy-nine feet from Wallace to the nearest point of the work. The evidence shows that there is an extensive area between these points through which the flow of the north branch is to go on as before. This part of the stream is not touched by the drainage scheme. None of the proposed work is to be done upon it. It has not been the subject of improvement or change under any drainage scheme. It is a natural water course flowing through and from Wallace, and carrying with it in its ordinary flow the waters which it collects in its course through Wallace. Before these waters reach the boundary of Wallace they have been collected and gathered in the stream in consequence of the elevation and trend of the lands leading the surface flow to it.

Owners of lands have drained them by means of tile and other under-drains, as well as by surface drains, and the waters thus collected find their way to the stream. This is a right which as landowners they may lawfully exercise, and while they do so reasonably they are not subject to prevention or interference from others down the stream: Rawstron *v.* Taylor, 11 Ex. 369, 383; Angell on Watercourses, secs. 108 (*a*) to 108 (*s*); Waffle *v.* New York Central Railway Co., 58 N.Y. 11; Foot *v.* Bronson, 4 Lans. 47.

There is no artificial work connecting these waters or the stream through which they flow with the proposed drainage works. Their flow from Wallace is not, therefore, facilitated or impeded. The Township of Wallace needed no outlet superior to that which nature provided, and none is supplied by these works. And no artificial works having been introduced which have had the effect of bringing the flow upon the lands below, the claim for injuring liability cannot be sustained.

The appeal should be dismissed with costs.

COURT OF APPEAL.

Re Township of Camden and Town of Dresden.

(Reported in 2 O.W.R., 200.)

March 6, 1903.

An existing culvert adopted as an outlet for a drainage scheme becomes part of the drainage scheme even though none of the money raised for the construction of the original work was expended upon it, and when it becomes out of repair or has to no longer act as a proper and sufficient outlet it is within the jurisdiction of an engineer to report a scheme for its repair and improvement.

Appeal by the corporation of the Township of Camden from the judgment or decision of the drainage referee dismissing an appeal from the report of an engineer under the Drainage Act.

M. Wilson, K.C., for appellants.

D. L. McCarthy, for respondents, the corporation of the Town of Dresden.

The judgment of the Court (Moss, C.J.O., Osler and MacLaren, JJ.A.) was delivered by:

OSLER, J.A.: I am of opinion that the appeal should be dismissed.

The culvert across the street in the Town of Dresden, the renewal or construction of which the report in question recommends, was in fact a part of the existing drainage work known as the Stephens or Henson drain. It had been adopted as the outlet for that drain, which could not lawfully have been done on any other footing or for any other reason than as being part of Camden's drainage scheme as established by that work. Dresden was not obliged to receive or admit within its municipal boundaries the waters brought down out of Camden by the Henson drain, unless they were brought there under the authority of some lawful proceeding under the Drainage Act, as Camden had no right to discharge its waters into or upon the road of Dresden without providing an outlet therefor. The ultimate outlet was the Sydenham River, which these waters would not reach without making use of the culvert or of some other passage across the road as part of the drainage scheme work, and Camden adopted Dresden's culvert for that purpose.

I do not think it matters (even were it really the case) that none of the money raised for the construction of the original work was expended on the culvert. Used as it was, if it became out of repair by reason of the discharge of Camden's waters, or if it does not now act as a proper and sufficient outlet therefor to the river, it was within the jurisdiction of the engineer to report, as he has done, a scheme for its repair and improvement, the principal cost of which ought justly to be borne by Camden.

I agree, therefore, with the drainage referee that the culvert is a part of the entire drainage work, and that Camden cannot successfully contend that it is merely part of Dresden's highway, the cost of the maintenance and repair of which should be borne by that municipality.

Appeal dismissed with costs.

IN THE HIGH COURT OF JUSTICE.

WILLIAM O'HARE, Plaintiff,

—and—

THE TOWNSHIP OF RICHMOND, Defendants.

Napanee, 6th March, 1903.

THE REFEREE: Pursuant to my appointment herein I inspected the locality of the Otter Creek Drain accompanied by representatives on behalf of the Plaintiff and Defendants on the 15th day of November, 1902.

W. S. Herrington, K.C., for plaintiff

E. Gus Porter, K.C. and W. G. Wilson, for defendants.

The hearing of this case took place in pursuance of my appointment at Napanee, on the 26th, 27th, and 28th days of March, 1903, when judgment was reserved.

The plaintiff is the owner of parts of lots 9, 11, and 12 in the eighth concession of the Township of Richmond containing 25 acres, 23 acres and 30 acres respectively. He is also the owner of the northerly 59 acres of lot 12 in the

seventh concession of the Township of Richmond. The plaintiff and others in the year 1883 presented a petition to the council of the defendants for the construction of a drainage work for the pupose of draining the lands of the petitioners and others. The council granted the prayer of the petition and sent on an engineer, J. S. Aylesworth, Esq., P.L.S., to make an examination of the locality described in the petition, prepare plans, estimates and assessments, and make his report to the council thereof. The engineer's report is dated the 2nd day of September, 1883, and having been adopted by the council, the By-law was prepared number 291, entitled "A By-law to provide for draining parts of lots 7, 8, 9, 10 and 11 in the 7th concession, and lots 8, 9, 10, 11, 12, and 13 in the 8th concession of the Township of Richmond, and for borrowing on the credit of the municipality $1,794.00 for completing the same." This by-law was provisionally adopted on the 12th day of September, A.D. 1883, and finally passed on the 8th day of October of the same year, as shown by Exhibit 2.

The work was constructed apparently under the provisions of the by-law, and the only question that arises upon the construction of the drain is as to the proper location in that part of the drain which is described in the report and by-law as being located on the road between the 7th and 8th concessions, or, in other words, from the south-east angle of lot 11 in the 8th concession to the junction of the drain with the creek proper, about half way across the southerly limit of the west half of lot 10 in the 8th concession. The drainage work is laid down upon the plan, Exhibit 1, and is shown by the report of the engineer and by-law of the township as being situate on the road allowance and extending across the front of lot 11 and about three-quarters of lot 10 in the 8th concession. The allowance for road was not then surveyed and the location of the drain was put on the northerly side of the then travelled road.

On the 14th day of March, 1899, proceedings were taken under the provisions of the Revised Statutes of Ontario, 1897, Cap. 181, entitled "Survey's Act," sec. 14, to survey and establish the road allowance between the 7th and 8th concessions of the Township of Richmond in the County of Lennox, from lot number 7 to lot number 13 inclusive, and have the road allowance along the said concession line marked on either side by permanent stone or iron monuments. The engineer who made the survey was William R. Aylesworth, Esq., of the City of Belleville, Ontario Land Surveyor.

After the road allowance was established under the "Survey's Act" the location of it was further south than the location of the travelled road at the time of the construction of the drainage work, and the northerly limit of the road allowance opposite lots 10 and 11 and was staked out by permanent monument on the southerly side of the drainage work. This proceeding established that the drainage work was not upon the road allowance as provided for by the report of the engineer and by-law No. 291, but on the contrary was located on the southerly parts of lots 10 and 11 in the 8th concession, and a portion of this drainage work intended to be on the road allowance crossed the 23 acres of lot 11 owned by the plaintiff. After the road allowance was established and marked out on either side the council of the Township of Richmond, through its clerk, sent notice to the plaintiff, dated October 9th, 1901, requiring him to move his fences and other obstructions off the road allowance lying between the 7th and 8th concessions within twenty days, according to the survey of W. R. Aylesworth, Ontario Land Surveyor. After getting this notice the plaintiff removed his fence, which is known as a stump fence, to the northerly boundary of the road allowance and in doing so he claimed

that it was necessary to fill up that portion of the drainage work crossing his twenty-three acres in order to place the stump fence on the line. This proceeding gave rise to difficulties between the plaintiff and the defendants which it is wholly unnecessary to go into in detail.

The first notice given by the plaintiff to the defendants is dated November 5th, 1900, and is marked as exhibit 9, and in it he requests the Township to dig a ditch on the road allowance according to the by-law for its construction. The next notice is dated 12th May, 1902, and is given by W. S. Herrington, solicitor for the plaintiff, and is marked as exhibit 5. A further notice was given by the plaintiff on August 9th, 1902, requiring the council to maintain and repair the drain by deepening and widening the drain and removing all obstructions therefrom, and is marked exhibit 3. Apparently as a reply to these notices the defendants on the 4th day of August, 1902, served a notice upon the plaintiff to settle if possible the alleged damages for water backed upon the plaintiff's lands from the insufficient outlet of Otter Creek drainage work, and suggested leaving all matters in dispute to arbitration or to the County Judge for settlement. There does not appear to have been any consent on the part of the plaintiff to the suggestion made by the council to settle the matters in dispute in the manner suggested in the notice from the council. A further notice was given to the council by the solicitor for the plaintiff, on the 21st August, 1902, and marked as exhibit 7. On the 7th day of October, 1902, the plaintiff issued a writ against the defendants. The proceedings by way of writ was found to be irregular, and the action was discontinued by the plaintiff and his solicitor. The plaintiff on the 24th October, 1902, brought proceedings under "The Municipal Drainage Act" in which he claims $1,000.00 damages caused through the refusal and neglect of the defendants to repair and maintain said drain, and also for a mandamus to compel the repair of same, and the defendants by way of defence set up that the damages sustained by the plaintiff, if any, were caused by his own unlawful acts, and by want of care and proper husbandry, and by extraordinary rainfalls and floods; and further that the plaintiff maliciously and vexatiously, and without any just cause obstructed the drain, and that it was his duty under the Act to remove such obstructions.

Upon the evidence given in this case I find and report that the drainage work is not in the course described by the engineer who made the report for the construction of the drain, nor in the course authorized by the by-law of the Township of Richmond. I also find and report that it is beyond my power to change in any way the course of the drainage work as laid out by the engineer and authorized to be constructed by the by-law of the municipality. Hiles v. Ellies, 23 S.C.R., 429.

I further find and report that the Otter Creek drainage work in question is not in a good state of repair, and this apart altogether from that portion of the drain that adjoins the concession road through lot 11, and the greater part of lot 10, as well as that portion of the drain in dispute as being on the allowance for road. I further find and report upon the evidence that in consequence of the non-repair of the drainage work the plaintiff's land and crops have sustained damage. It was ably argued by counsel for the defendants that the season of 1902, being of such an extraordinary wet character, the defence of vis major should be sustained, particularly in view of evidence given upon this branch of the case. This argument, while not entitled to as much weight as contended for by Mr. Porter, is one that should in fairness to the defendants be taken into consideration as to the amount of damages sustained by the plaintiff, and in assessing the damages

this argument will be amply considered. (See MacKenzie *v.* West Flamboro, 26 O.A.R. 198), which was afterwards followed in Gardner *v.* Tilbury East. (An oral judgment not reported.)

The contention of the defendant's counsel taken in connection with the conduct of the plaintiff in filling up the drain on his own land, thereby rendering the drain useless along the road allowance, and thence to the head of the drain, thus assisting in making the drain inoperative, should in my judgment prevent him from recovering damages in this proceeding.

I further find and report that the plaintiff is entitled, for the reasons I have given, to a mandamus against the defendants to force the proper repair of the work, and while I find that the outlet of the drainage work is insufficient, I cannot, according to the law as it now stands order the improvement of the drainage work under sec. 75. Therefore, I limit the mandamus to the proper repairing of the drainage work, such order of mandamus not to issue unless default is made by the defendants in commencing such repairs within six months and completing the same within nine months from the date of this, my report.

I further find that as each party has succeeded on one branch of the case and failed on one branch, it becomes a general principle to have each party pay their own costs, in the meantime. But in case of default made by defendants in repairing the drainage work within the time limited by this report then the plaintiff shall be entitled to the costs of a successful motion for a mandamus upon the issuing of the order, and such costs I fix at the sum of $80.00 and direct that this sum be paid by the defendants to the plaintiff should he become entitled thereto, under the provisions of this report.

The hearing of this case shall be considered a trial of three days duration, and the defendants shall affix stamps to the amount of $12.00 to this my report, and should they be affixed by the plaintiff he shall be entitled to be paid such sum by the defendants.

COURT OF APPEAL.

O'Hare *v.* Township of Richmond.

Sept. 19th, 1904.

(Reported in 4 O.W.R., 178.)

Municipal Corporations—Drainage—Neglect to Maintain and Repair Drain —Damages—Mandamus.

Appeal by defendants from the judgment or report of the drainage referee. The plaintiff took his proceedings under the Municipal Drainage Act, R.S.O. 1897, ch. 226, for a mandamus to compel defendants to maintain and repair Otter Creek drain in the Township of Richmond, and for damages alleged to have been caused through the neglect and refusal of defendants to maintain and repair the drain. The referee's report dismissed the plaintiff's claim for damages, but found plaintiff entitled to a mandamus against defendants, limited to the proper repair of the drainage work.

The appeal was heard by Moss, C.J.O., Osler, MacLennan, Garrow, MacLaren, JJ.A.

E. G. Porter, Belleville, for appellants.

W. S. Herrington, K.C., for plaintiff.

OSLER, J.A.: The learned Referee has explained his views in a somewhat full and careful opinion, his conclusion being that plaintiff is not entitled to damages, but that defendants are in default for not keeping the drain in repair, and that a mandamus should go to compel them to perform their duty in this respect.

The evidence was supplemented by the Referee's personal view and inspection of the locus in quo.

After a careful examination of the evidence and further consideration of the several objections taken to the proceedings by the appellant's counsel, I remain of the opinion I formed at the conclusion of the argument, namely, that no sufficient grounds had been adduced for interfering with the judgment of the Referee, which appears to me to be entirely in accord with the merits of the case, and ought, therefore, to be affirmed, in the absence of any valid technical objections to the procedure before him.

I think the appeal should be dismissed with costs.

MacLaren, J.A., gave reasons in writing for the same conclusion.

Moss, C.J.O., MacLennan and Garrow, JJ.A., concurred.

(IN THE COURT OF APPEAL.)

WIGLE *v.* TOWNSHIPS OF GOSFIELD SOUTH AND GOSFIELD NORTH.

January 5th, 1904.

(Reported 7 O.L.R. 302.)

Pursuant to the judgment of the Court of Appeal of the 2nd March, 1901, (1 O.L.R. 519), the Drainage Referee on the 25th July, 1901, added the corporation of the township of Gosfield North as defendants, and they filed a statement of defence on the 10th September, 1901. The Referee then heard the evidence and assessed damages against both townships in respect of the construction of the drain in question, which was completed before the division of the township of Gosfield. On the 15th of April, 1901, 1 Edw. VII., ch. 30 (*o*), was passed, which repealed sec. 93 of the Drainage Act, and made new provisions, one of which was that the notice claiming damages was to be filed within two years from the time the cause of complaint arose:

Held, that the plaintiffs' claim for damages was against the two defendants jointly, and that it must be taken to have been first made on the 10th September, 1901, and was confined to damages suffered by the original construction of the drain which had arisen within two years next before that date: and that the plaintiffs would be at liberty to take proceedings under sec. 93 as often as any damages should arise in the future, until a remedy should be provided to prevent their recurrence.

Judgment of the Drainage Referee reversed.

Appeals by the defendants, the corporations of the townships of Gosfield South and Gosfield North from the decision and report of the Drainage Referee in eight actions, two in the High Court, brought respectively by Prideaux Wigle and Mary H. Rae, and six in the County Court of Essex, brought respectively by Philip Wigle, Jonas Wigle, Alvin Wigle, Joshua Adams, E. A. Pulford, and Theodore Wigle. The facts and arguments are fully stated in the judgments.

The appeals were heard by Moss, C.J.O., MacLennan, Garrow, and MacLaren, JJ.A., on the 28th and 29th April, 1903.

M. Wilson, K.C., and A. H. Clarke, K.C., for the appellants Gosfield South.
T. Langton, K.C., for the appellants Gosfield North.
J. P. Mabee, K.C., for the plaintiffs, the respondents.

January 5.—Moss, C.J.O.: The case was before this Court in 1901, upon an appeal from the decision of Mr. Hodgins, K.C., the then Drainage Referee.

At that time the only party defendant was the township of Gosfield South. The order of this Court was that the matters should be referred back to the Drainage Referee with instructions to add the corporation of Gosfield North as party defendant, and to proceed with the reference, and that the costs, including those of the appeal, be reserved: 1, O.L.R. 519.

Before any further proceedings were taken, Mr. Rankin, K.C., was appointed Drainage Referee in the place of Mr. Hodgins. The matter was then brought on before Mr. Rankin, who caused the corporation of Gosfield North to be added as party defendant, and proceeded with the reference. The parties acted upon the suggestion of the Court and adopted the evidence already taken. This being supplemented by further evidence, the learned Referee, having made an inspection of the premises and heard argument, certified his decision and report, finding in favour of the claimants, and this appeal is on behalf of the two corporations.

This Court, in referring the case back to the Referee to add Gosfield North and to proceed with the reference, did not pronounce any opinion upon the question of the extent of the relief (if any) to be given against either of the defendants. It appeared to the Court that the nature of the plaintiffs' claims, as set forth and insisted upon before the Referee and on the appeal, made it manifest that, in some aspects at all events, they could not be sustained as against Gosfield South alone. It was pointed out that all the liabilities to which the old corporation was subject as regards the drain No. 47 at the time of the subdivision of the territory were, as a consequence of the statute of 1887, thrown upon each of the existing corporations: that one of the liabilities might be for compensation or damages caused by the construction of the drain, and also to keep the drain in repair; and that, inasmuch as the drainage area, which is now partly in one and partly in the other corporation, must bear expenses of this kind, it seemed to follow that both corporations should be parties to the action.

But it was left for the plaintiffs to determine whether they could now make a case against the two corporations in respect of any of these alleged causes of action, and to proceed or not as they were advised.

The whole case having now developed with both corporations before the Court, the matter comes before this Court for the first time for decision on the merits.

The Referee has stated four grounds of action:—

First, against the two townships jointly, that by the construction of drain No. 47, by reason of its not having been carried to a sufficient outlet according to the prayer of the petition, the surface water was carried in a course out of its natural flow, and cast with the wash of earth from the sides and bottom of the drainage wall upon the plaintiffs' lands.

Second, against Gosfield North, that in the year 1897 it not only repaired, but also enlarged and improved drain No. 47 from its head to a point 192 rods south of the town line, and then stopped the work, there being no authority under the statute for doing this work, and it should have been carried to a proper outlet.

Third, against Gosfield North, that previous to 1897 drain No. 47 was in a very bad state of repair, and the failure by Gosfield North to perform its statutory duty (to keep in repair) had the effect of increasing the deposit of earth and sediment upon the lands of the plaintiffs to their injury.

Fourth, against Gosfield South, that the drain No. 47 was out of repair, that no repairs were made by Gosfield South to that part within its limits, and as a result of such neglect to repair, the improvement on the main drain above and also on the laterals had the effect of washing out the earth throughout the portion of the drain south of the improvements made by Gosfield North, and increased the deposit of earth and sediment brought down upon the plaintiffs' lands, and to their injury.

And on these grounds his decision is, that there was negligence established against both townships.

So far as the first ground is concerned, it must be taken to be a claim for damages consequent on the construction of the drain.

The Referee so regarded it, and allowed the statements of claim to be amended and to stand as claims under sec. 93, and ordered and directed that the amended claims should be filed with the clerk of the county court of Essex in order to comply with the provisions of subsec. (3).

The Referee does not make it very clear whether he intended the direction to apply to all the grounds of action; but whether or not does not appear to be material. The first matter to be ascertained is whether at this time the two corporations, or either of them, can be held liable in respect of the first ground of claim.

The construction of drain No. 47 was entered upon in 1886, and the work was completed before the statute 50 Vict., ch. 51, dividing Gosfield into two corporations took effect. The work commenced at or slightly north of the 7th concession road, and went south along the side line between lots 6 and 7 (known as the westerly division line) until it reached a point at or near the centre of the 2nd concession, where it diverged in a south-easterly direction, and then went south through Lot 7 into the 1st concession, entering Lot 14 in the 1st, belonging to the claimant Pulford, then turning further to the east it proceeded in that direction until it almost reached the line between Lots 13 and 12 in the 1st, where it terminated in Wigle Creek on the land of the claimant Jonas Wigle. So far as appears, the work of construction was properly performed, and no appreciable damage was caused to the claimants in the course of construction.

But before any great lapse of time the effect of the operations of the drain upon the lands of proprietors below became apparent. The volume and force of the waters brought down soon began to make inroads upon the sides of the drain through Pulford's lot, causing frequent caving in and consequent increase in width. The lands of the other claimants lie below Pulford's, and their flats lying along the creek were frequently overflowed, and sand, silt and débris cast upon them.

In time this began to affect the various claimants' lands to a considerable extent. Pulford's land was washed away in large quantities, and the flat lands of the others were so covered with sand and débris as to cause trees to die and the grass and herbage to deteriorate, with the effect of materially depreciating their value as pasture lands.

The records of the council of Gosfield South, as well as the oral testimony, show that in and probably earlier than 1893 complaints were being made by several of the claimants and others. Some attempts were made to settle with or satisfy some of the parties complaining, and it is evident that there was no difference of opinion as to injury or damage being inflicted through the operation of the drain.

And for such damage the original township of Gosfield would have been liable had 50 Vict., ch. 51, not been enacted.

The combined effect of sec. 3 of that Act and of sec. 55 of the Municipal Act of 1883 is to throw the liability upon each of the existing municipalities, *i.e.*, the defendants Gosfield North and Gosfield South.

Assuming that the cause of action has not been barred, the defendants are liable for the damages arising from the causes mentioned, and these seem to be the main damages suffered. And they are damages consequent upon the construction of the drainage works, in respect of which the proprietors were entitled to make a claim and have it heard and determined by the Drainage Referee under 57 Vict., ch. 56, sec. 93, or if made after the 15th April, 1901, under the amended sec. 93 enacted by 1 Edw. VII, ch. 30, sec. 4.

As the law stood when these proceedings were commenced against Gosfield South, it was a matter of little moment whether they were commenced by arbitration or action. The claim was for statutory compensation, and all that was necessary was that it should in some manner be remitted for adjudication to the Drainage Referee: McCulloch v. Township of Caledonia (1898), 25 A.R. 417, at p. 421.

And if the proceedings had been commenced against both Gosfield North and Gosfield South, the order of reference made might well be deemed sufficient to give the jurisdiction, even though there was a failure to file and serve a preliminary notice as required by sec. 93 (2) and (3).

But when Gosfield North is brought into the proceedings by service upon it of a copy of the Referee's order making it a party defendant and of the original statements of claim, something more than four years after the commencement of the actions, can it be held liable for damages accruing for the six years before the commencement of the actions? Or can Gosfield South, which is jointly liable, be held for more than Gosfield North.

Until Gosfield South was made a party there was not a properly constituted proceeding which could be effectually prosecuted so far as the claim now under consideration is concerned. The proper way to regard the matter now is to treat the claims as duly presented to the Referee as on the date upon which it is to be taken that Gosfield North became answerable in these proceedings by submitting to the service upon them and appearing to defend, viz., on the 10th September, 1901.

The Referee does not follow up his finding as to work done in 1897 by Gosfield North, nor state whether or not it increased or had any effect upon the damage to the claimants or any of them, and, having regard to the evidence as to the condition of the drain further down, it is difficult, if not impossible, to attach any separate damages to that proceedings.

As to the ground of complaint against Gosfield North that it neglected to repair, thereby causing damage to the claimants, it is difficult to see how this is made out as a matter of fact. The complainants' complaint is that their lands are overflowed by water coming from lands to the north of or above theirs, along the line of the drain. The drain brings water to their lands. It would seem, therefore, that the want of repair instead of increasing would hinder the flow, and therefore the more out of repair the less would be the damage.

And the same reasons seem to apply to the similar ground of complaint preferred against Gosfield South. At all events, the evidence of damage resulting from this cause is not sufficiently definite to enable any substantial claim to be founded upon it.

The damages to be awarded, therefore, are such as are to be borne jointly by the defendants, and the question with regard to them is how far back from the 10th September, 1901, are the claimants entitled to go in showing their damages. The lands which have been injured cannot be considered or treated as lands taken or appropriated by the municipality for its use. And, at the time when the drainage works were constructed there was no power in the municipality to provide for compensation to the owners for injuries of the nature here complained of as part of the scheme of drainage. That has now been provided for by the amendments to the Drainage Act, 2 Edw. VII., ch. 32. The damages sustained in this case are, therefore, not to be put on the basis of lands taken, in which case there would be compensation once for all. But the injury is one that in its nature is recurrent, and such as that successive actions or claims for the damages sustained from time to time may be brought. And, unsatisfactory as that mode of relief may appear, it seems to be the only one left open to the claimants by the legislation. Then, as to the limitation, the case must be governed by sec. 93, as introduced into the Act by 1 Edw. VII., ch. 30, sec. 4, inasmuch as the proceeding is to be deemed as taken on the 10th September 1901. The Legislature has placed a limit on the exercise of the remedy by requiring notice of the claim to be filed with the clerk of the county court, and to be served within two years from the time the cause of complaint arose. From this provision it follows that all claims for injuries not made and prosecuted in the manner and within the period prescribed, are barred. Any subsequent claim cannot embrace damages suffered at an earlier date than two years next preceding it. The claim presented in this case being made on the 10th September, 1901, can only extend to injury or damage suffered within two years next before that date. It is manifest, therefore, that the award of damages made by the Referee cannot stand, for it is evidently made upon evidence of the injuries sustained during more than six years preceding the inquiry. There was no attempt made to distinguish the damages which accrued in the last two years, and it seems impossible to do so upon the evidence as it is.

The matter must, therefore, be referred back to the Referee. There will be no costs to any party of either of the appeals. It would not be proper to award an injunction against the continuance of the drain, and the facts do not support a present claim for any other injunction. We would gladly have spared the parties the further expense and delay of a reference back if we had found it possible, and we hope they may be able to see their way to an amicable adjustment without the intervention of the Referee.

MacLennan, J.A.: This is a consolidated appeal by the defendants in all the actions from a report of Mr. Rankin, Drainage Referee, dated the 30th August, 1902, in which he awarded damages against the defendant township municipalities in favour of all the plaintiffs for injury to their respective lands, by reason of a municipal drain No. 47 constructed in and extending through both townships.

The first two actions were commenced in the High Court, and the others in the county court of the county of Essex on the 1st June, 1897, against Gosfield South alone; and on the 1st day of November following the first two were at the trial referred for inquiry and report to the Drainage Referee, then Mr. Hodgins. The other six actions were, about the same time, in like manner referred to the Referee by the learned Judge of the county court.

The claims in all the actions, being of the same nature, and arising from a common cause, were proceeded with and heard before and by the Referee together, as one proceeding, and have been carried on in like manner ever since.

Having heard a great mass of testimony, the Referee made his report on the 10th day of January, 1899, awarding various sums to the plaintiffs for damages to their respective lands. The sums awarded to the plaintiffs in order were: $400, $300, $40, $38.70, $102, $115, $75 and $70, or $1,140.70 in all.

Before the 26th day of December, 1887, the present townships of Gosfield South and Gosfield North were a single municipality by the name of Gosfield, and on that day, by an Act of the Legislature of Ontario, Gosfield became divided into Gosfield South and Gosfield North.

The drain which is alleged to have caused the injuries complained of was constructed and completed before the division, under a by-law of the original township passed on the 28th June, 1886, in pursuance of the drainage clauses of the Municipal Act.

The statements of claim in all the actions are the same, so far as the cause of damage is concerned. There is no complaint of injury arising during construction, nor from negligence or want of conformity to or compliance with the original plans and specifications under the by-law. What is alleged in all the cases is that the drain diverted from its natural course and brought down to Wigle Creek water from a large part of the lands of Gosfield which would naturally flow in another direction, the consequence being that in each year since the construction of the drain large quantities of water had been brought down the drain and thrown into Wigle Creek, causing it to overflow its banks and flood and damage the lands of the plaintiffs adjoining the said creek. They also allege want of repair, the necessity of a proper outlet, and that the defendants had been guilty of negligence in the construction and maintenance of the drain in not having provided a sufficient outlet.

The claims made are: damages for loss of the use of land; damages for permanent injury; a mandamus to construct a proper outlet; and an injunction against throwing water on the plaintiffs' lands.

South Gosfield, which was then the only defendant, appealed to this Court from the report of the Referee in all the actions. One of the grounds of appeal was that the drain ran through Gosfield North as well as Gosfield South, that the area charged with the cost of construction and the duty of maintenance lay partly in each township, and the drain having been constructed and completed before the division, the actions were improperly constituted in the absence of Gosfield North as a party.

The Court gave effect to that ground of appeal, and by an order made on the 2nd March, 1901, referred all the actions back to the Referee, with instructions to add the corporation of Gosfield North as a party thereto, and to proceed with the reference, costs being reserved.

The judgment is reported in 1 O.L.R. 519.

In pursuance of the order of this Court, Mr. Rankin, who had in the meantime been appointed Drainage Referee in place of Mr. Hodgins, made an order dated the 25th July, 1901, in the several actions, adding Gosfield North as a party thereto, and directing a copy of the writs of summons, statements of claim, statements of defence of Gosfield South, and also of the judgment of this Court, to be served upon the corporation of Gosfield North, and that Gosfield North should within twenty days from such service file and deliver a statement of defence, if any, in the actions.

Service was effected as directed by that order on Gosfield North on the 13th August, 1901, and on the 10th of September following that township filed a statement of defence.

The proceedings on the reference back commenced on the 31st October, were attended by counsel for all parties, including Gosfield North, and a further large mass of testimony was adduced, in addition to the testimony adduced on the former reference, which was admitted by consent, and the Referee made his report on the 30th August, 1902.

By this report the Referee awarded damages to the respective plaintiffs in order as follows: $475, $300, $90, $45, $240, $130, $175, $230, or $1,715 altogether. The damages are mainly for permanent injury to land, in one case for an acre washed away by the current, in other cases by silt washed down and spread over land on the margin of Wigle Creek, the outlet of the drain, to the injury of pasture and rice lands, and for bridges and fences carried away.

The Referee also awarded an injunction against the defendants to restrain a continuance of damage.

The present appeal is by both townships in all the actions against the report of the Referee.

Between the date of the order of this Court made on the 2nd March, 1901, and the order of the Referee on the 25th July, 1901, adding Gosfield North as a party, namely, on the 15th April, 1901, an Act of the Legislature, 1 Edw. VII., ch. 30, was passed, which repealed section 93 of the Drainage Act and all its subsections, and made new provisions respecting drainage claims. It provides, subsec. (2), that proceedings should thereafter be instituted by serving a notice claiming damages by reason of negligence, or for compensation or otherwise, or for a mandamus or injunction, upon the other party, setting forth the grounds of the claim; by subsec. (3), for the filing with the clerk of the county court of a copy of the notice with an affidavit of service, such notice to be filed and served within two years from the time the cause of complaint arose; by subsec. (4), that all applications are to be by notice of motion based upon affidavits, filed, not less than ten days before the motion, with the clerk of the county court; by subsec. (5), that no application or proceeding within the section should be made or instituted otherwise than as therein provided.

When that Act came into force no action or proceeding had been commenced or was pending against Gosfield North, nor had that township then, nor until three months afterwards, been made a party to any of the actions, and I think that township might have disregarded the order of the Referee, and the service of the proceedings against Gosfield South, and have required that the provisions of the recent Act should have been followed in making any claim against them.

Gosfield North, however, chose to waive the proceedings prescribed by the statute, and filed a defence, and appeared before the Referee, and submitted to his jurisdiction; and the result, in my opinion, is, that the claims of the plaintiffs must be taken to have been well commenced against Gosfield North on the date of the filing of their defence, that is to say, on the 10th September, 1901.

But, it having been determined by this Court that the actions against Gosfield South alone were not properly constituted in the absence of Gosfield North, the claims in all the actions must be regarded as having been commenced on the 10th September, 1901, and not at any earlier date.

The drain in question having been completed before the 26th December, 1887, when the original township was divided, the liability for damages in the construction thereof, or consequent thereon, under secs. 483, 590, and 591 of the Municipal Act, 1887, became a liability of the original township, and the liability and duty to maintain and repair the drain also became a liability and duty of the original

township by virtue of sec. 586 of the same Act, inasmuch as it was a drain such as described in that section which was not continued into any other municipality. By sec. 586, also, the cost of maintenance and repair was to be at the expense of the lands and roads of the initiating municipality which had been assessed for construction, and which in the present case lie partly within both of the separated municipalities.

It is not contended or found by the report that there was any damage caused in the construction of the drain, or that there was any negligence in its actual construction, or that it was not constructed in accordance with the by-law or the plans and specifications, or that any damage was suffered by any of the claimants before the division of the townships. All the injuries complained of, and for which damages have been assessed, arose after the division. A large part of the drain lies in each of the new townships, and, having regard to the Acts in force at and since the original construction of the drain, now secs. 68 and 95 of the present Drainage Act, lands in both townships were and are liable to assessment for both kinds of damage, whether consequent upon the construction of the drain or for want of maintenance and repair. The Act of separation makes no express provision for the distribution of the burden between the townships in such a case, but leaves the matter to be governed by the sections already referred to of the Municipal Act, together with sec. 57 thereof, formerly sec. 55, which declares that after the separation of townships each of them shall remain subject to the debts and liabilities of the union as if the same had been contracted or incurred by the respective townships after the dissolution. One of the liabilities of the original township of Gosfield at the time of the division was a liability to maintain and repair the drain and to pay damages occasioned by neglect to do so, and also to pay damages which might arise consequent upon construction. Whether these duties or obligations can properly be regarded as liabilities within the meaning of sec. 57 may perhaps admit of doubt, but, no damage having accrued before the division, the liability of the original township was a prospective or future liability, and I think the result is that, as determined by the former judgment of this Court, the claims in question are joint claims against the divided townships.

Now if claims consequent upon construction or for neglect to maintain and repair be, as I think they are, claims which could only be legally and properly made and prosecuted against both townships jointly, these claims were legally and properly made for the first time against either township when Gosfield North became a party to the proceedings, namely, on the 10th September, 1901.

The question then arises how these claims are affected by delay, and I think that all the damages which accrued to the plaintiffs more than two years before the 10th September, 1901, whether arising from original construction or for want of maintenance and repair, must be held to be barred.

The right to damages arising by reason of original construction is a right given by the statute itself—sec. 93 (1)—and to this the Limitation Act, R.S.O. 1897, ch. 72, would be applicable, and would bar an action after two years. But, if it should be said that the Limitation Act is confined to *actions*, and is inapplicable to *claims*, such as the present, then sec. 438 of the Municipal Act applies, which provides that such claims, even in case of a continuation of damage, shall be made within *one* year from the time when the cause of action arose, or *became known to the claimant*.

But the new sec. 93 is made expressly applicable to all claims in or consequent upon construction, as well as to claims for maintenance or want of repair, and in-

deed to all sorts of damage claims, and the limitation in all damage cases is now by that section two years.

It was contended that, inasmuch as there was no negligence in the original construction of the work, authorized by the by-law, and as it was constructed in the manner so authorized, the original work was the cause of complaint, and that all damage caused thereby, no matter when it occurred, was barred after two years from the completion of the work, either by virtue of the Limitation Act, R.S.O., ch. 72, sec. 1, subsec. 1 (*g*), by sec. 438 of the Municipal Act, or by sec. 93, subsec. (3), of the Drainage Act. I think, however, it is established by Darley Main Colliery Co. *v.* Mitchell (1886), 11 App. Cases 127, that the damage or injury, whenever it occurs, is the cause of complaint in such cases, and that a new action might have been brought for every new injury. Therefore, although the work was done as long ago as 1887, the claimants are entitled to recover for any injury or damage arising from the original construction which has occurred within two years before the 10th September, 1901.

The damages which the Referee has assessed are evidently damages which the several plaintiffs have suffered by reason of the original construction of the drain whereby their lands have been flooded and their bridges and fences carried away by the extra volume and current of the water brought down, and it is difficult to see how any of them can have been injured by any want of repair, which would be an advantage to them rather than an injury, by diminishing the volume and retarding the flow of the water before it reached their lands.

The result seems to me, therefore, to be, that in the present actions the several plaintiffs can only recover any damages which they have suffered by reason of the original construction of the drain and which have arisen within two years next before the 10th September, 1901, and that they may take proceedings under sec. 93 as often as any damages arise in the future, until a remedy is provided by the townships to prevent their recurrence.

By secs 583 to 586 inclusive of the Municipal Act of 1892 the duty to maintain and repair municipal drains was imposed upon the municipalities which had constructed them, and it was declared that the deepening, extending or widening of a drain in order to enable it to carry off the water it was originally designed to carry off, should be deemed a work of preservation, maintenance, or keeping in repair within the meaning of sec. 583 These sections, however, were superseded by secs. 68 to 75 of the Drainage Act of 1894, ch. 56, and the deepening, extending, or widening of a drain is no longer declared to be a work of preservation, maintenance or keeping in repair, so as to be an express obligation of the municipalities.

But the municipalities have the most ample power under secs. 74 and 75 of the present Act, R.S.O. 1897, ch. 226, to do what is necessary to prevent damage to lands, by changing the course of a drain, making a new outlet, or otherwise improving, extending, or altering it. And by sec. 1 of 2 Edw. VII., ch. 32, a further provision is made whereby compensation may be made for injury to low lying lands instead of incurring greater expense by continuing the drainage work to a point where the discharge of the water will do no injury. It would seem, also, that sec. 58 of the Consolidated Municipal Act, 1903, is adequate to enable the defendant townships, notwithstanding their separation, to do what may be necessary to compensate the plaintiffs for the damages which may be assessed in their favour and to protect them from further injury.

The learned Referee awarded an injunction, not saying against what. I see no ground or principle on which an injunction can or ought to be awarded, the construction of the drain having been an act authorized by law.

The appeal must be allowed, and there must be a reference back to the Referee, and under all the circumstances I think there should be no costs of either the former or the present appeal.

Garrow and MacLaren, JJ.A., concurred.

E. B. B.

(IN THE COURT OF APPEAL.)

June 20th, 1904.

THE TOWNSHIP OF WATERLOO *v.* TOWNSHIP OF BERLIN.

(Reported 8 O.L.R. 335.)

Arbitrators made an award, purporting to be under sec. 555 of the Consolidated Municipal Act, 1903, 3 Edw. VII., ch. 19 (*o*), permitting an extension of a sewer from one municipality into another, but no by-law had ever been passed by the former defining the lands to be taken or affected, or the route of the sewer, and there were, moreover, no terms or conditions imposed upon the former by the award.

Held, affirming the decision of Teetzel, J., that the award was bad, and should be set aside.

Moss, C.J.O., and MacLennan, J.A., dissenting.

This was an appeal by the town of Berlin from the order of Teetzel, J., made January 29th, 1904, reported 7 O.L.R. 64, whereby he allowed the motion of the township of Waterloo to set aside the award, dated November 27th, 1903, made by Duncan Chisholm and Ferdinand Walter, the majority of the arbitrators appointed under secs. 554 and 555 of the Municipal Act, 3 Edw. VII., ch. 19 (*o*), and referred the award back to the arbitrators.

The appeal was argued on April 22nd and 25th, 1904, before Moss, C.J.O., and Osler, MacLennan, Garrow and MacLaren, JJ.A.

A. B. AYLESWORTH, K.C., E. P. CLEMENT, K.C., and C. A. MOSS, for the appellants, contended that the statute, 3 Edw. VII., ch. 19 (*o*), nowhere said that the municipality must first define the land it proposes to take, which would be very inconvenient; that it was time enough to do so if, and when, the other township had asked them to show where they were going; that all that was incumbent upon them was to show the arbitrators that they should be allowed to go outside their own limits; that this was the only question before the arbitrators; that no terms or conditions were before the arbitrators, nor was there such evidence as would enable them to fix them; that it was for the servient municipality to show what would be the proper terms and conditions; that the award was as certain and definite as it could be under the circumstances: 3 Edw. VII, ch. 19, secs. 437, 554 (*o*).

E. E. A. DUVERNET, for the respondent, contended that arbitrators were trustees for the whole municipality, and were bound to exercise a judgment, and before doing so must have something to base it on—must have a definite scheme before them; that the town of Berlin should have first passed a by-law defining the lands to be taken or affected (sec. 555); that conditions could not be imposed until it was known where the sewers were going.

Moss, in reply, contended that if the appellant had come with a scheme the arbitrators might have rejected it, and they would have had to come again and

again; that they were not called upon to propose a scheme until the other side had first suggested terms and conditions.

June 30.—The judgment of the majority of the Court was delivered by GARROW, J.A.: This is an appeal by the corporation of the town of Berlin from the judgment of Teetzel, J., setting aside an award made by arbitrators under the provisions of secs. 554, 555, of the Municipal Act, 3 Edw. VII., ch. 19, upon the grounds: (1) "That the award is void for lack of certainty and finality in that no specific lands are mentioned therein which may be taken by the respondents (the corporation of the town of Berlin), and with which the necessary connections with the respondent's sewage system may be made under the above sections of the Municipal Act; (2) and that the award is void and defective inasmuch that it does not state upon what terms and conditions, if any, the said respondents may acquire lands in the appellant's municipality," and the matter was thereby referred back to the arbitrators for further consideration.

The contention on the part of the present appellants is that they were not required to make any definite proposal as to route or lands to be taken or affected, or to offer any terms or conditions for the consideration of the respondents: that they were entitled to have the mere abstract question of their proposal to invade the territory under the municipal control of the respondents passed upon by arbitration, and that as the respondents were wholly objecting to such invasion, and had not suggested terms or conditions, the arbitrators were at liberty to deal with such abstract question by awarding the right to so invade generally, that is at any point of the compass, so far as the language of the award is concerned, and also to do so unconditionally.

The award, omitting formal matter, is as follows: "That the said town of Berlin may enter upon, take and use any land in the adjacent or contiguous municipality of the said township of Waterloo, in any way necessary or convenient for the purpose of providing an outlet for the main outfall sewer of Berlin aforesaid, and for extending the main outfall sewer of said town of Berlin into or through the said township of Waterloo, and for the purpose of establishing works or basins for the interception or purification for sewer in said township, but subject always to the compensation to persons who may suffer injury therefrom."

Before commencing these proceedings the municipal council of the town of Berlin had passed a by-law reciting the necessity of extending their main outfall sewer into the contiguous municipality of the township of Waterloo, and the desire of the said corporation of Berlin to enter upon, take and use certain lands (unspecified) in the said township of Waterloo for the purpose of providing such outlet, and of establishing works or basins for the interception or purification of sewage, that application had been made to the municipal council of Waterloo to consent, and that that council had neglected and refused, and that it is necessary "that the question between the said town of Berlin and the said township of Waterloo should be settled by arbitration pursuant to sec. 555 of the Consolidated Municipal Act, 1903, and then proceeded to appoint an arbitrator, 'for the purpose above recited.'" Upon receiving notice of this by-law the municipal council of the township of Waterloo have also passed a by-law appointing an arbitrator. These two appointed a third, and the arbitration proceeded with the result before mentioned.

No by-law, so far as appears, was ever passed by the municipal council of the town of Berlin defining the lands to be taken or affected, or the route of the proposed sewer into or through the township of Waterloo.

This, it appears to me, is a fatal defect.

Section 554 of 3 Edw. VII., ch. 19, enacts that by-laws may be passed by the councils of counties, cities, towns, townships, and villages, for . . . taking or using any land in or adjacent to the municipality in any way necessary or convenient for the opening, making, etc., of . . . sewers, and for entering upon, taking or using any land in or adjacent to the municipality, for the purpose of providing an outlet for any sewer, or of establishing works or basins for the interception or purification of sewage.

By sec. 555 it is provided, that (1) in case any . . . town . . . is so situated that in the construction of any sewer therein it becomes necessary in order to procure an outlet therefor to extend the same into or through a contiguous municipality, the . . . town . . . shall have power, subject as hereinafter provided, to so extend such sewer into or through such contiguous municipality, and shall have power to unite and connect the same to any already existing sewer or sewers of such contiguous municipality upon such terms and conditions as may be agreed upon between the respective municipalities, and in case of a difference, then upon such terms and conditions as may be determined by arbitration . . . ; and (2) in any case where any municipality objects to allow an adjoining municipality to connect a sewer with any existing sewer, or to extend a sewer through its territory as above provided, the arbitrators shall not only determine the terms and conditions upon which the connection or extension is to be made, but also whether the connection or extension should under the circumstances be permitted or allowed to be made.

The whole scope and trend of this legislation, it appears to me, is clearly based upon this: that as the first step a condition precedent, as it might be called—a by-law defining the course in the contiguous municipality of the proposed sewer, and the lands and roads to be affected—shall first be duly passed by the municipality seeking the extension, and notice thereof given to the contiguous municipality. The proposition, in other words, is not, in my opinion, an abstract but a concrete one, and until it has assumed the latter form by means of a properly prepared by-law there is nothing to arbitrate upon, nor indeed anything upon which the contiguous municipality is legally called upon to express either assent or dissent. See Rose *v.* Township of West Wawanosh (1890), 19 O.R. 294. But not only is there, in my opinion, for the reasons which I have given, no proper commencement of the proceedings upon which to base an award, but there is also in the award itself a total lack of any terms or conditions imposed upon Berlin such as the statute contemplates. This may or may not be in itself a sufficient reason to invalidate the award, but it is, at all events, an amply sufficient reason under the circumstances for remitting the matter for further consideration.

The answer of counsel for Berlin as to this is that Waterloo did not propose any terms and conditions, and that therefore there was no "difference" upon which the arbitrators could act. But Waterloo resisted the application *in toto*. Until that question was determined it had not become a question of terms and conditions. And when it was determined adversely to Waterloo, as it was by the arbitrators, Waterloo should certainly have had an opportunity, before the award was made, of suggesting and of having considered such reasonable terms and conditions as were necessary to protect the inhabitants of that township. No such opportunity was apparently given. The matter, and apparently the only matter submitted to the arbitrators, was the question of whether Berlin should or should not be allowed to make the extension.

No special duty was under the circumstances cast upon Waterloo to suggest terms and conditions, and their failure to do so would not have been taken as a submission to the invasion of that township unconditionally. Indeed, the duty of making such a suggestion of terms and conditions rested in the first instance quite as much upon Berlin as Waterloo. The former was seeking the favour and should, I think, have submitted the proposition, including the terms and conditions in such a way and shape as to raise, if necessary, the "difference," if any, to be determined by the arbitrators. The statute clearly implies, if it does not express, that there shall be terms and conditions of some sort, and I am inclined to think that the award is defective in law upon this ground, because it does not show an adjudication upon this subject one way or the other, for the wholly unnecessary adjudication upon the question of compensation, a matter provided for by the statute itself, and therefore not one to be dealt with by the arbitrators, cannot be fairly called such an adjudication. I do not, however, feel called upon to pronounce a final opinion on this point, because in any event it appears to me that Waterloo, as a matter of right, and if not of right then of grace, should have an opportunity of having proper terms imposed upon Berlin as the condition of the proposed extension.

Strictly speaking, I think the proper order to make is to set aside the award altogether upon the first ground. But it seems a pity, as time is a very great object we were told, to compel proceedings to be begun *de novo,* and so if the parties consent, the matter may be remittted to the arbitrators, with instructions to define in the award the proposed sewer and works, and the lands to be acquired or affected thereby, and the terms and conditions upon which the extension may be made, Berlin, of course, first passing the necessary by-law, with proper definitions, as before indicated.

But if the parties do not consent, then the award should, I think, simply be set aside, with costs to the township of Waterloo here and below.*

Osler and MacLaren, J.A., concurred in dismissing the appeal.

MacLennan, J.A.: I am of opinion that we should allow this appeal.

The grounds on which the award was set aside are two: First, because no specific lands were mentioned therein which might be taken by the town for sewer purposes; and secondly, because it did not state upon what terms and conditions, if any, the town might acquire lands within the said township.

I do not think either of these grounds fatal. Independently of the statute the town had no power to extend its sewage works beyond its own municipal limits or into an adjacent township; that power is conferred by sec. 554 of 3 Edw. VII., ch. 19, subject to the payment of compensation, and to any restrictions imposed by the Act. Section 555 confers the same power more specifically, and adds that it may be exercised upon such terms as may be agreed upon between the respective municipalities, and, in case of a difference, then upon such terms and conditions as may be determined by arbitration. Subsec. 2 of the same sec. provides that where the adjacent municipality objects altogether to the proposed invasion the arbitrators shall not only determine the terms and conditions on which they may be done, but also whether or not it may be done at all.

It was evident that unless the town could get permission to extend its works into the township it was an end of the matter. The consideration of a route, or of lands to be acquired, or plans to be prepared, would be useless. Therefore, the first thing the town did was to ask for permission, and that was refused. An arbitration

* No consent having been given, the appeal was dismissed with costs and the matter remitted to the arbitrators in accordance with the judgment of Teetzel, J.

then became necessary, and at that stage the sole difference which existed between the parties was whether the extension should be allowed or not. Arbitrators were appointed, and subsec. 2 cast upon them the duty of determining, not only whether the required permission should be granted, but also, in case of a difference, the terms and conditions. Now it is evident, from the language of the statute, that the arbitrators could not, of their own volition, impose terms and conditions upon the town in the exercise of the right which it sought. They could only do that in case of a difference, and it does not appear that either party sought to qualify the right by any terms or conditions whatever, or that any difference with respect to such was brought to their attention or notice, or submitted to them for determination.

That being so, I think the arbitrators did all that their duty under the statute required of them, and that their award is good.

I am therefore of opinion that the appeal should be allowed with costs.

Moss, C.J.O., concurred with MacLennan, J.A.

(IN THE COURT OF APPEAL.)

June 29th, 1904.

TOWNSHIP OF CHATHAM *v.* TOWNSHIP OF DOVER.

(Reported in 8 O.L.R., 132.)

Upon certain repairs to a drainage work becoming necessary one of the townships interested directed their engineer to make a report, and he assessed the cost against the different townships in the proportions in which the original cost had been assessed, no proceedings having been taken under secs. 69 or 72 of the Drainage Act to vary the assessment:—

Held, that this was the proper mode of apportionment, and that, notwithstanding the wide wording of sec. 71 of the Act, the Drainage Referee had no power to vary an apportionment made under such circumstances.

Judgment of the Drainage Referee reversed.

An appeal by the township of Dover from a report of the Drainage Referee was argued before Moss, C.J.O., MacLennan, Garrow, and MacLaren, JJ.A., on the 19th and 20th of May, 1904. The short point involved is stated in the judgment.

Matthew Wilson, K.C., for the appellants.

J. S. Fraser for the respondents.

June 29.—The judgment of the Court was delivered by GARROW, J.A.: This is an appeal by the township of Dover against the decision or report of the learned Drainage Referee varying the assessment for repairs to a bridge over Bear Creek, in the township of Dover, alleged to form a part of a drainage scheme, under the provisions of the Municipal Act, in which the townships of Camden, Chatham and Dover are interested.

The original scheme was before this Court in Dover *v.* Chatham (1885), 11 A.R. 248, and the Supreme Court (1886), 12 S.C.R. 321.

After the litigation before referred to, the original report was amended so as to meet with the approval of all the parties, and the work was then performed.

The report provided that the drain when completed should be kept in repair and maintained at the expense of the lands and roads assessed, said lands and roads

paying in the same relative proportion as for construction. Subsequent repairs down to those now in question were made and assessed for and paid in the same proportion.

Upon the repairs in question becoming necessary the municipal council of the township of Dover obtained from their engineer a report as to the repairs required, which he estimated to cost $134.00, and he assessed such cost on the footing provided for in the original report, at the following sums: Chatham $126, Dover $3, and Camden $5.

The appellants thereupon provisionally passed a by-law providing for undertaking the repairs in question, and caused certified copies thereof to be duly served on the heads of the townships of Camden and Chatham, and the latter township appealed to the referee against the amount claimed from that township, with the result that the learned referee, after hearing evidence, by his judgment and report altered the engineer's assessment, and directed that the assessment of the appellants should be reduced to the sum of $69, and he also gave the appellants their costs against the respondents.

The learned referee, on the evidence, treated the repairs to the bridge in question properly, I think, as forming part of the necessary repairs to the drainage works, and the only question really to be determined upon in this appeal is whether the apportionment of the cost of the repairs as made by the engineer, or as varied by the learned referee, is correct.

The proceedings in question were plainly instituted under the provisions of sec. 71 and not under sec. 72 of the Municipal Drainage Act.

The statute in force when the works in question were authorized was 46 Vict., ch. 18, sec. 584 (*o*). The engineer's report, as before stated, directed that repairs and maintenance should be made at the expense of those assessed for the original works and in the same proportion. Now, by sec. 69 of the before cited Municipal Drainage Act, it is expressly provided that the expense of maintenance shall in such case as the present fall upon the lands and roads in any way assessed for the construction of the original works, and in the proportion determined by the engineer in his report or assessment for the original construction, unless and until in the case of each municipality such provision for maintenance is varied or otherwise determined by an engineer or surveyor in his report and assessment for the maintenance of the drainage work, or on appeal therefrom by the award of arbitrators or order of the referee. And sec. 72 points out the procedure where a municipality proposes to vary this original *pro rata* assessment. No such proceedings have ever been taken here, so that the original provision respecting maintenance stands, with the result that in my opinion the learned referee had no power to vary the assessment in question as he has done.

It is true the language of sec. 71 in prescribing what may be done by the referee upon such an appeal is, perhaps, misleadingly wide. Three grounds of appeal are permitted under that section, namely, that the amount is excessive, that the work is unnecessary, or that the drain has never been completed, and the referee may upon the appeal "alter, amend, or confirm such by-law, or may direct that the same shall not be passed, as to him may seem just."

But having regard to the concluding words of sec. 69, and to the provisions of sec. 72, which expressly provide for the case of varying the assessment, it cannot, I think, have been intended to give the referee power where proceedings are being taken under sec. 71 to reach practically the same result as would have followed if the proceedings had been taken under sec. 72.

In proceeding under sec. 71 his powers, it appears to me, must be confined to seeing that the original *pro rata* proportion is maintained, that the work proposed to be done is necessary, or that the proposed assessment cannot be maintained because the original work has not been completed owing to the neglect of the municipality whose duty it was to do the work.

The appeal should be allowed with costs, here and below, and the assessment made by the engineer restored.

R. S. C.

(COURT OF APPEAL.)

Re Township of Aldborough and Township of Dunwich.

Sept. 17th, 1904.

(Reported in 4 O.W.R. 159.)

Sec. 63 of the Municipal Drainage Act does not confine the right of appeal to the Court of Appeal to a case in which the assessment against the appealing municipality exceeds one thousand dollars, these requirements obtaining only under the first part of clause (*a*) of subsec. 2 of that section.

Appeal by the corporation of Aldborough and Alexander Sellars from the order or judgment of the Drainage Referee dismissing their appeals from the reports, plans, etc., of James A. Bell, C.E., relating to what is called the McAllister drain in the townships of Dunwich and Aldborough.

M. Wilson, K.C., and A. Grant, St. Thomas, for appellants.

C. St. Clair Leitch, Dutton, for the corporation of Dunwich, respondents.

The judgment of the Court (Moss, C.J.O., Osler, MacLennan, Garrow, MacLaren, JJ.A.) was delivered by:

Garrow, J.A.: I do not understand why it was considered necessary for Mr. Sellars to appeal, nor, as the proceedings are purely statutory, where he finds authority for appealing. Sec. 63 of the Municipal Drainage Act authorizes an appeal by the municipality served, as provided by sec. 61, but does not, I think, authorize or contemplate any other appeal. The matter is not of moment, perhaps, because the appeal of the township, if successful, will ensure to the benefit of Mr. Sellars as one of the resident ratepayers assessed for the proposed drainage work.

Objection was taken by respondents that the appeal was not in time or in proper form, but I agree with the learned Referee that the objection is not well founded.

It was also objected that, the assessemnt being under $1,000, there was no right of appeal. Section 63 contains the provision respecting the right of appeal. The argument of the respondent's counsel would require us to carry forward into clause (*b*) the words found in clause (*a*), "where the assessment against the appealing municipality exceeds $1,000." But such a construction would, I think, be against the plain intention to provide specifically, as is done in clause (*a*), for the case of assessment exceeding $1,000, and generally for all other cases, including assessments below $1,000, as is done in clause (*b*). Any other construction would take away altogether all right of appeal where the assessment is under $1,000.

As applied to the facts, the appeal in the present case is to be treated as falling within sub-clauses 3 and 4 of clause (*b*), that is, (3) that the initiating municipality be permitted to do the work within the limits of the appealing municipality, and (4) that the assessment is illegal, unjust or excessive.

The appellants contend that the petition did not authorize the report; that in fact the engineer had provided for a much more extensive work than the petition contemplated. If this point was open to the appellants at all, and it probably was, I should be against giving effect to it on the facts.

The appellants also contend that the drainage area was too extensive, that lands in Dunwich were included which had not the right in nature to drain towards the drain in question, but I am also against this objection on the facts. It may be that upon a strict levelling of the surface some water will come to the proposed works which without aid would not reach them. But the territory is evidently not one in which the watersheds are well defined, and absolute exactness is not, therefore, to be expected, and cannot, in my opinion, under such circumstances, be demanded under the statute. . . .

The McAllister drain was originally constructed under the Ditches and Watercourses Act. It began in the township of Dunwich, and crossing the town line passed into the township of Aldborough, with an outlet in the latter township into what is called the Government drain in Lot 24 in the 4th Concession, in its course through the latter township passing through the farm of the appellant Alexander Sellars. Before its construction Mr. Sellars had constructed a private main drain practically along the same course, into which he had carried a large number of lateral drains, all of tile, as is also his main drain. The evidence, in my opinion, shows that this system of drainage was sufficient for the purpose of draining his own land. He was, however, assessed for a portion of the cost of the McAllister drain, and did not appeal. The municipal council of the township of Dunwich afterwards, upon petition under sec. 84 of the Municipal Drainage Act, assumed the McAllister drain, and in the proceedings now in question proposed very considerably to enlarge the drainage area entitled to use the original drain. The proposal included using the original award drain through the Sellars lot as it stands, with the addition of an open or flood drain over practically the same course, so that, if carried out, the lands of Mr. Sellars would be burdened first, with his own main drain; second, with the McAllister or award drain; and third, with a wide open, shallow drain upon the surface, all proceeding within a few yards of each other, the last two almost, if not entirely, for the benefit of the lands of the township of Dunwich. He constructed his own drains at his own expense, of course; he was assessed for the construction of the award drain in labour and material; and now he is again assessed, although not for a large sum, for the proposed flood drain. And it is proposed in the report that he shall also remain liable to repair in proportion to his assessment. He says, and the evidence, I think, bears him out, that the award drain, instead of being of benefit has injured his lands; that it has brought water upon rather than carried water away from him; and that the proposed open drain will be a serious injury to his lands and of no benefit; and that there is great danger that his whole drainage system will be imperilled, if not destroyed, by placing the open ditch across or over his tile drains below. I am of the opinion, on the evidence, that his apprehension is well founded—that his assessment is, if not illegal, at least unjust, a characterization which, in my opinion, applies to all the assessments in the township of Aldborough; and for these reasons that the work as projected through that township should not be allowed to proceed . . .

The township of Dunwich have, of course, the right by proper proceedings to obtain access to the outlet in the township of Aldborough for their drainage, but they have no right to burden the lands in the latter township with an unnecessary

number of drains, or to put the latter township or its inhabitants to any expense or loss in the course of so doing either for construction or maintenance. . . .

As it appears to me, the proper course would be to provide one tile drain of sufficient size to carry off all the water required, into which Mr. Sellars laterals could also empty, and to abandon altogether the proposed surface drain, which, as I read the evidence, is only intended to carry the surface water before the frost leaves the ground, when in fact it can do little or no harm.

As matters stand, I think the appeal must be allowed with costs.

(IN THE COURT OF APPEAL.)

McGILLIVRAY *v.* TOWNSHIP OF LOCHIEL.

September 19th, 1904.

(Reported in 8 O.L.R. 446.)

The owner of land on the banks of a natural stream has no legal ground of complaint if riparian owners above him reasonably use the stream as an outlet for drains made by them in the agricultural use of their lands, although the result is to increase the amount of water in the stream and to flood part of his land. But this principle does not apply to persons not riparian owners who by proceedings under the Ditches and Water Courses Act obtain an outlet to the stream, and they are liable to the person injured by the increased amount of water.

A proper outlet under the Ditches and Water Courses Act is one which enables the water to be discharged without injuriously affecting the lands of another, and if the outlet chosen by the engineer is not in fact a proper outlet his award is no protection to the persons acting under it as against a person not a party to it.

An action to recover damages for flooding his land was brought by a riparian owner against a number of persons who were respectively parties to the construction of several drains under the Ditches and Water Courses Act, the allegation being that by means of the drains the flow of water had been unlawfully increased to the plaintiff's injury. Evidence was given as to the quantum of the plaintiff's damage, and judgment was given against all the defendants for the whole amount.

Held, that while the defendants who were parties respectively to the construction of each drain were jointly liable for any damage attributable to that drain, the different sets of defendants were not joint *tort feasors* and had been improperly joined as defendants; that a joint assessment of damages was improper; and that, there being no evidence of the proportion of damage attributable to each set of defendants, only nominal damages and an injunction could be awarded.

Judgment of the Drainage Referee varied.

This was an appeal by the defendants from the judgment of the Drainage Referee in favour of the plaintiff, upon a reference to him of the matters in dispute between the parties.

The writ was issued in the High Court of Justice against some seventy defendants, including the corporation of the township of Lochiel.

The statement of claim set forth that the plaintiff was the owner of certain lands in the township of Lochiel, namely the west half of lot fifteen and the east half of lot sixteen, in the fifth concession; and that the defendants, other than the

corporation of the township of Lochiel, were the owners of certain other lands in the said township, from which they had by means of certain drains, some of which had been under the provisions of the Ditches and Water Courses Act, and the defendants, the corporation of the township of Lochiel, by certain ditches along the highway, unlawfully caused surface water to flow upon his said lands, and he claimed damages and an injunction.

The defendants pleaded separately, denying the joint cause of action, denying also the injury, alleging that if the land had been injured it was from natural causes and not from acts of theirs, and setting up the engineer's awards in the case of the defendants who were parties to such awards, as an answer, and other defences upon which nothing turned.

The action was referred to the Drainage Referee under an order made by the local Judge in Chambers on the 17th of September, 1901, and the learned Referee made his report on the 29th of April, 1903, whereby he found that no evidence had been advanced against the defendants, the individual owners, who had constructed ditches on their own lands for the purpose of draining their own farms, and he dismissed the action as against these defendants with costs to them, which he fixed at $100; (2) that the defendants, who were parties to award drain No. 4, which had not been constructed, but was abandoned, were also entitled to be dismissed from the action and he fixed their cost at $50; (3) that the other award drains did cause water to overflow the plaintiff's lands injuriously, and that the defendants, parties to such award drains, namely, Nos. 1, 2, 3 and 5, were responsible for the damages caused thereby because such drains had not been carried to a sufficient outlet, and he assessed as one sum against all these defendants the sum of $500, which he ordered them to pay as such damages, and he awarded an injunction to issue restraining these last named defendants as claimed by the plaintiff from using these award drains, unless these defendants should within nine months provide a sufficient outlet for the waters sent down by the said award drains, and he allowed to the plaintiff his costs.

All the defendants except one appealed, the defendants who were dismissed from the action on the question of costs, and the others generally.

The appeal was argued before Moss, C.J.O., Osler, MacLennan, Garrow and MacLaren, JJ.A., on the 24th, 25th and 26th of February, 1904.

Matthew Wilson, K.C., E. H. Tiffany, and J. T. Costello, for the appellants. There was no power to make the order of reference and the proceedings are void. If there was power, the result arrived at is wrong. The defendants who succeeded should have been allowed their costs and the judgment should be reversed as against those who have been held liable. The drains in question were constructed in accordance with the award of an engineer after proceedings regularly taken, and this being so there is no ground of complaint against the persons using them. At any rate, there is no joint liability. Each defendant is liable at most only for the result of his own acts and the judgment in so far as it makes each defendant liable for the whole loss cannot stand. Upon the evidence it is clear that the increased flow of water complained of was caused by the use of the land for agricultural purposes, and for this there is no right of action.

James Leitch, K.C., for the respondent: There has been much more than a mere cleaning out of the streams and ditches in the course of husbandry; there has been an enlargement of them and an increase in the natural flow, and for this liability arises. The awards afford no protection. The engineer was put in motion by and was merely the instrument of the property owners, and for what he did

they are responsible. Besides, the provisions of the Act have not been observed. A sufficient outlet must be provided for ditches made under its provisions and here the outlet is not sufficient. The joint assessment of damages is right. Each of the defendants is a wrong-doer whose acts contribute to the general loss, and for the whole loss each is liable. The disposition of the costs is also right. The defendants were not entitled to sever in their defences and cause unnecessary expense. At the least the plaintiff is entitled to an injunction.

September 19.—The judgment of the Court was delivered by GARROW, J.A. (after stating the facts): An objection was urged before us that there was no power unless by consent to refer the action to the Drainage Referee, but this objection cannot now be given effect to. The order does not upon its face express that it was made by consent, and must therefore be assumed to have been made by the learned local judge in the exercise of his judicial discretion. And if such discretion was improperly exercised the defendants should have appealed against the order.

Spring Creek is a natural water course rising in the neighbourhood of the boundary line between the townships of Kenyon and Lochiel, flowing easterly for a distance of several miles until it reaches the lands of the plaintiff, where it turns northerly, and, after a further course of about two miles, empties into the De Grasse river. Upon the lands of the plaintiff, the banks of the stream are low and the current very slight, but up stream from him there are well defined banks and a considerable fall. There are obstructions in the channel on the plaintiff's lands, and also on the next lot below him, which impede the flow, but if these obstructions were removed down to what are called the "falls," ample outlet could be obtained to the great advantage apparently not only of the plaintiff, but of all the others who use Spring Creek as the outlet for their surface drainage.

As it is, the plaintiff's lands are severely flooded in time of freshet, and probably would be to some extent flooded even with the best outlet because of their low situation and of the shallow banks of the channel there.

To the extent that the injury to his land proceeds from natural causes he has of course no cause of complaint.

Nor is it the proper subject of complaint by him that the individual riparian proprietors above him have made what appears to be only a reasonable use of the stream as it flows past their lands as an outlet for their drains constructed on their own lands to drain them for agricultural purposes.

In the case of Miller v. Laubach (1864), 47 Pa. St. 154, the law is, in my opinion, well stated as follows: "No doubt the owner of lands through which a stream flows may increase the volume of water by draining into it without any liability to damages to a lower owner. He must abide the contingency of increase or diminution of the flow in the channel of the stream because the upper owner has the right to all the advantages of drainage or irrigation *reasonably used* which the stream may give him."

To the same effect is the recent decision by this Court in *Re* Elma *v.* Wallace (1903), 2 O.W.R. 198. And what is a "reasonable use" is defined in McCormick *v.* Horan (1880), 81 N.Y. 86, as a use up to the capacity of the banks of the stream. See also Gould on Waters, 3rd ed. (1900), sec. 274; Young *v.* Tucker (1899), 26 A.R. 162.

But this right of individual riparian proprietors to drain directly through their lands into the stream is not at all the same thing as the right, if any, which accrues to two or more persons not riparian proprietors seeking drainage outlet

under the provisions of the Ditches and Water Courses Act. Such latter right is purely statutory, and has in no way interfered with or curtailed the common law right of a riparian proprietor to have the stream flow through his land in its accustomed volume without sensible diminution or increase, except, as before pointed out, by the drainage into the stream directly from the lands of the upper riparian proprietor. No one not a riparian proprietor has such a right, nor can the upper riparian proprietor himself confer such a right upon one whose lands do not touch the stream, to the prejudice of a riparian proprietor down stream. The right of persons not in the position of riparian proprietors, and who proceed for relief under the Ditches and Water Courses Act is to have the ditch or drain carried to *a proper outlet*, and a proper outlet is one which, as defined in the statute, enables the water to be discharged without injuriously affecting the lands of another. The lands of a riparian proprietor below the outlet are under no such servitude in respect of the waters thus cast into the stream as they are subject to in respect of the reasonable use of the stream for drainage purposes by an upper riparian proprietor. If his lands are overflowed by waters coming from the drain the outlet is not a proper one and he is not compelled to submit to it.

Of course a running stream with sufficient banks to contain the water would usually be a sufficient outlet. But the question is one of fact. For instance, a stream already fully occupied in carrying the water properly belonging to it would not be a proper outlet for foreign water brought to it by a ditch constructed under the Act, if the inevitable result would be to overflow the lands of the owners down stream. And that appears to be the situation in the present case. The plaintiff asserts that the learned Referee has found upon apparently sufficient evidence that the effect of these award drains, as they are called, and particularly Nos. 1 and 2. These carry a considerable body of foreign water into the stream immediately above the plaintiff's lands where the stream has already lost its current and has almost become a lagoon, and must very considerably increase the flooding of the plaintiff's lands.

But I am unable to agree that the same result should follow in the case of drain No. 3, which is a very small affair, too small to sensibly affect the stream, and moreover is apparently entitled to stand upon the footing of a drain by a riparian proprietor directly into the stream; nor in the case of drain No. 5, which apparently begins and ends in a branch of the stream some miles above the plaintiff's lands, which does not therefore bring into it foreign water. There is nothing to prevent a riparian proprietor from straightening, cleaning out, deepening or widening the stream itself as it passes through his own land, provided he discharges it as it leaves his land in its usual channel, which is all that was apparently done in the case of drain No. 5. And what one riparian proprietor may do, several in combination may do with or without an award.

And this brings me to the important question so much urged upon us by counsel for the defendants, that whether the outlets are or are not sufficient they are the outlets provided in his awards by the township engineer, and are binding upon the plaintiff although no party to them, as well as upon the defendants who were parties. This point has apparently not been before passed upon in any reported case where the question was as between the rights of a third party in conflict with those claimed by the parties to the award, although *In re* McLennan and Chinguacousy (1900), 27 A.R. 355, the effect of an award as between the parties themselves was considered, and it was held to limit these rights to those obtainable by a reconsideration of the award under the provisions of the statute.

But in my opinion a third party, that is a person not a party or privy to the award, cannot be affected by it. It would, I think, be contrary to every settled principle if he could. He receives no notice of the proceedings. He may be a non-resident, and yet is said his property may be, behind his back injuriously affected, and, in fact, confiscated without remedy, except such, if any, as he may be able to obtain under the Act. Nothing in the Act requires such an extraordinary effect to be given to the award.

The statute in force when these drains were constructed was R.S.O. 1887, ch. 220.

The engineer is an officer of the corporation, sec. 2. But he need not be a qualified engineer, as any one may be appointed. He has no power to initiate proceedings under the Act. The persons who may set him in motion are those mentioned in sec. 4, namely, the owners of lands whether immediately adjoining or not which would be benefited by making a ditch or drain, etc., to enable the owners or occupiers thereof the better to cultivate or use the same, and such owners are thereby charged with the duty to open, make and maintain a just proportion of such ditch or drain according to their several interests in the same, and it is only in case of dispute among themselves that the engineer is to be called in: sec. 5. If there is no dispute the owners interested may do all that the engineer has power to direct. His interference confers no extended jurisdiction, but is really confined to adjusting the disputed points which arise in the performance of the statutory duty imposed upon the owners by sec. 4. There is nothing to prevent all parties interested agreeing to call in some other engineer to settle their differences instead of the township engineer. Such other person would not, of course, possess the statutory powers of the township engineer, but a ditch constructed in that way would, when completed, be a ditch under sec. 4, exactly in the same way and to the same extent as if it had been made under an award of the township engineer. The award itself in fact confers no authority and imposes no duty except in the mere matter of the details of performing the statutory duty already prescribed and imposed upon all owners by sec. 4.

The statute requires the water to be taken to a sufficient outlet so that no person's land shall be flooded or overflowed. The duty to provide such an outlet is the same whether the engineer is called in or not. He has no power to finally determine what is or what is not a proper outlet, not even as against a resisting party to his proceedings, who could certainly before the work proceeds bring that question into Court for adjudication notwithstanding the award. The question of proper outlet is really in the nature of a condition precedent to the authority of the engineer in the premises. If it does not exist the proposed drain cannot be made and he has no jurisdiction, and an injunction might be obtained to restrain all proceedings under the award.

Of course it is important for these parties to obtain good and sufficient drainage, and the law has, I think, made provisions which if adopted would have secured that end and have obviated the present situation. The Ditches and Water Courses Act was not intended for such a case as the present, but for the simpler case of a comparatively short and inexpensive ditch to reach an undoubted outlet. The proper remedy in the present case would, I think, be found in the provisions of the Municipal Act under which the whole stream could be so deepened and enlarged as to afford ample drainage facilities for all the neighbouring lands including those of the plaintiff, at an expense, which while no doubt considerable would still be far below its great advantage to all concerned. And to that remedy the plaintiff,

we were informed, has repeatedly invited the defendants, but so far without success. That being so, I have the less compunction in supporting the learned Referee's conclusion that the defendants who were parties to drains Nos. 1 and 2 must be restrained from continuing to use the award ditches in question.

As to the damages: The learned Referee has treated the wrong complained of as a joint tort, and has awarded a lump sum of $500 against all the defendants. But the cause of action was not, in my opinion, joint, but several, and each party is liable not for what his neighbour did but for what he did himself. In fact, strictly speaking, there was no right to join the defendants at all in one action for damages. Hinds v. Barrie (1903), 6 O.L.R. 656; although such a joinder may be permissible where an injunction only is sought to restrain a nuisance contributed to by all the defendants.

And even in an action for damages the parties to each of the awards might have been joined in one action because their act in creating the ditch was joint. But it is obvious that there is no joint connection between the several sets of defendants as among themselves, and they should not have been jointly sued if damages only were sought.

To make a separate assessment of damages would be in the circumstances extremely difficult if not impossible. There is no evidence to show to what extent each defendant or set of defendants has contributed to the total injury. If the plaintiff could do so, he should have supplied the evidence. Without it his case for damages is not complete, with the result that he is only entitled to nominal damages, and that, I think, with the injunction, is what he should have.

With reference to the question of the costs of the defendants who were dismissed from the action by the judgment of the learned Referee, no reason is suggested why these defendants should not be paid their proper taxable costs instead of the lump sums allowed, except that it was considered that they should have joined in one defence. But they were not obliged to do so if separate defences were necessary, and that is, I think, a matter to be considered by the taxing officer, who will not, of course, allow the costs of unnecessary proceedings. The judgment should therefore be amended in this respect, simply dismissing the action as against them with costs. And they must have their costs of this appeal.

And the same result as to costs must follow in the case of the defendants who were held liable by the learned Referee as parties to the 3rd and 5th award drains. The action should be dismissed as against them, and they must have their costs of the appeal.

The plaintiff should have the costs of the action against the defendants who are parties to the 1st and 2nd awards, as if they had alone been sued, and as against these defendants there should, I think, be a similar order as to the costs of this appeal.

(DIVISIONAL COURT.)

Burke v. The Corporation of the Township of Tilbury North

(Reported in 13 O.L.R. 225.)

May 15th, 1906.

In an action brought against a township corporation and its contractor for damages caused by the variation of the specifications by the contractor for constructing a drain under the Municipal Drainage Act, R.S.O. 1897, ch. 226, in

placing earth excavated in digging the drain upon the land of the plaintiff without permission:

Held, that whether the plaintiff was entitled to be compensated or not her claim fell under sec. 93 of the above Act as amended, and her remedy was by notice and proceedings before the drainage referee as provided for by the said section, and not by writ and proceedings in an action.

This was an appeal from a judgment at the trial in an action for trespass, in placing earth on plaintiff's land by a contractor in variation of the specifications for the construction of a drain by the defendants, which was tried at Hamilton on the 15th of May, 1906, before Clute, J., without a jury.

H. H. Bicknell, for the plaintiff.

A. H. Clarke, K.C., and F. E. Nelles, for the defendants.

At the close of the evidence the following judgment was delivered in which the facts are stated.

May 15, 1906. CLUTE, J.: The plaintiff brings this action of trespass as the owner of lot 18 in the 1st concession of the Township of Tilbury North, charging the defendants with having trespassed upon the lot and deposited earth and soil upon the same, while the defendants were digging a drain.

The defendant corporation passed a by-law to have a certain drain dug in accordance with the plans and specifications prepared by the engineer. The contract was let to the defendant Roszell, the corporation reserving the right of supervision over the contract by their engineer and also by their commissioner.

At the time the contract was let the proposed contractor stated, in the presence of the reeve, that he would not contract at the price unless he was permitted to put the dirt, where cuts were necessary through the high lands, upon the adjoining lots. This the reeve declined to accede to; that is, he declined to give express authority, and thereupon it was stated that nearly all the owners had consented, and the reeve intimated, if that was the case, there could be no objection to putting the earth upon these lands. And it is said on that occasion that Mr. Holland, who was said to be the agent of the plaintiff, was present, and said that he would undertake there should be no trouble in regard to that lot if the earth were put upon the lands.

That is expressly denied. At all events the contract was made. A ditch was dug, the drain made, and over these lands was put a portion of the earth taken from the ditch, covering in the neighbourhood of from ten to twenty feet, varying in distance, from the line, and amounting in area to about one half acre, more or less.

The defence which the defendants set up is: First, that this case and the relief sought is one which falls within sec. 93 of the Municipal Drainage Act as amended by the Ontario statute passed in 1901, ch. 30, sec. 4 (*o*). It is, as I understand the argument of Mr. Clarke, conceded, that prior to this statute the present case would not necessarily have fallen under the jurisdiction of the referee, but that the purview and intention of this statute is sufficiently broad to bring the case within it, and that only the drainage referee would have jurisdiction to try this case.

Upon a careful reading of the section, I do not think that is so. The section provides in part as follows: "That all applications to set aside, declare void, or otherwise . . . attack the validity of any petition, report, . . . shall be made to the referee only," and then the section proceeds, "as well as all pro-

ceedings to determine claims and disputes arising between municipalities or between a company and a municipality, or between individuals and a municipality, company or individual, in the construction, improvement or maintenance of any drainage work under the provisions of this Act, or consequent thereon, or by reason of negligence, or for a mandamus or an injunction, shall hereafter be made to or tried by the referee only," etc. I am of opinion that this statute was intended to and does cover all actions which arise by reason of the legal and proper prosecution of the work, and that it is not sufficiently broad to include a case of this kind. In other words, that the present case does not fall within the statute, because it is not a dispute or claim which naturally and properly arises by reason of the drain being put there or consequent thereon, or by reason of any negligence in its construction.

It is an entirely distinct trespass, and trespass upon other lands, just as much so, I think, as if the earth had been taken at any distance and deposited upon any stranger's land, and I do not think this Act was ever intended to deprive the courts of their proper jurisdiction in a case of trespass of that kind.

Then it is further said, that in the present case there is no liability so far as the township is concerned, because the agent of the plaintiff gave authority to do this very thing.

In my view, the agent, who was there to look after the farm in a certain sense, had no authority whatever to authorize any trespass of this kind. And I think that was evidenced by what he said, intimating (assuming that the evidence of the defendants' witnesses is correct) that he would either obtain permission or see that there was no objection in that regard; it was an indication to all present that he had not at that time authority to give that permission. And this is somewhat important, because the reeve and the clerk being present, the contract was made apparently at that time, and they, therefore, knew of the intention of the contractor to put this earth upon the adjoining lands, they must have just taken the risk that he had obtained or would obtain leave to do so, or there would be danger of objection being taken to a trespass of that kind. I think no defence can be rested upon the alleged agency.

Then comes the further question as to whether or not this was really a proper case to be brought—whether a case could be made against the municipality—because there was an independent contract, it is alleged, and if any one was liable, only the contractor who assumed to do the work would be liable. I do not think that position can be sustained. Reference may be made to Pickard *v.* Smith (1861), 10 C.B.N.S. 470, and that class of cases. In other words, in the present case the township reserved to itself the right of supervision and exercised that right; and there was not, therefore, an independent contract such as would relieve the municipality from any trespass that might be done under it.

The only question remaining is one of damages.

I think the defendants are liable, but I do not think the case is a proper case for an injunction. I think the damage to the land is very small indeed. The only way in which the learned counsel for the plaintiff was able to put it, and very ingeniously put indeed, was, it would cost so much to have this earth removed. But there was no evidence that this land was of any special value in the sense that it would justify the expense of $200 or $300 to remove some six hundred yards of earth. The land is variously estimated in value to be worth from $6 to $20 an acre. Assuming it to be worth $10 an acre, there was less than or about half an acre injured, so the value of the land itself, the whole value of the land, would be

only about $5.00. It was said it would take a man about one day to level this down—I am not forgetting the evidence of a number of witnesses who do not think there was any substantial damage—however, a man has a right to have his land free from trespass.

Trespass has been, I think, committed. There is some trifling appreciable damage, which I assess at $10. I think that is the full damage that has been proven here. In fact, a liberal allowance. The difficulty that I really feel in the case has been the question of costs, and had it not been that the plaintiff's title is expressly denied to this land, I should have felt great hesitation in making any order as to costs at all. But the fact that the title to the land was denied, and the fact that the plaintiff has a right of action, and on the pleadings as stated, no other court would have, as I understand, the necessary jurisdiction to try the case, I think the plaintiff is entitled to his costs.

Judgment for plaintiff for $10 and full costs of action.

I think I ought to add, perhaps, that I do not consider the defendants entirely free from fault; I mean aside from the technical trespass. Knowing that the owner of this land was absent, I think they should have communicated with her and got her express permission before taking the course they did take, and this also influences me in regard to the question of costs.

From this judgment the defendants appealed to a Divisional Court, and the appeal was argued on the 22nd of October, 1906, before Falconbridge, C.J.K.B., Britton and Mabee, JJ.

A. H. Clarke, K.C., for the appeal. The township is not liable in any event, as the contract was let to a contractor who committed the trespass, if any; but even if the township was responsible, the plaintiff is in the wrong forum. By the Drainage Trials Act, 54 Vict. ch. 51 (*o*), a referee was appointed, who had the powers of arbitrators under the Municipal Act, sec. 2, subsec. (5), but if an action was brought for damages in a case in which the proper proceedings was under that Act, the judge then had power to refer it to a referee: sec. 19. See also 57 Vict., ch. 56, secs. 93 and 94 (*o*). Then secs. 93 and 94 were repealed in 1901 by 1 Edw. VII, ch. 30, secs. 4 and 5 (*o*); and the plaintiff's proceedings should have been taken before the referee only. I refer to Hiles *v.* The Corporation of the Township of Ellice in 1 Clarke and Scully's Drainage Cases (1894), p. 89; Thackery *v.* Township of Raleigh (1898), ib. 328, at pp. 330 and 331; McCulloch *v.* Township of Caledonia (1898), 2, Clarke and Scully's Drainage Cases, 1 at p. 6; and on the question of separate contractor or not: Penny *v.* The Wimbledon Urban District Council (1898), 2 Q.B. 212; (1899), 2 Q.B. 72; Ellis *v.* the Sheffield Gas Consumers Co. (1853). 2 El. and B. 767. There was no dispute as to the title of the land damaged.

C. A. Moss, for the contractor. All proceedings "for the recovery of damages by reason of negligence or by way of compensation or otherwise . . . shall . . . be instituted" by notice and come before the reference: sec. 4, subsec. (2), 1 Edw. VII, ch. 30 (*o*). As to costs, I refer to McNair *v.* Boyd (1891), 14 P.R. 132, Baskerville *v.* Vose (1892), 15 P.R. 122; Holmestead and Langton, 3rd, ed., 1346; Fitchett *v.* Mellow (1898), 18 P.R. 161; Black *v.* Wheeler (1904), 7 O.L.R. 545.

H. H. Bicknell, for the plaintiff, *contra.* The trial Judge's construction of the Act of 1901 is right. The township is liable, as the reeve and the clerk both knew the contractor intended depositing the earth where he did on the plaintiff's

land. As to the work being done by an independent contractor, I refer to Van Egmond *v.* The Corporation of the Town of Seaforth (1884), 6 O.R. 599, at p. 603.

Clarke, in reply.

October 23. The judgment of the Court was delivered by Mabee, J.: The plaintiff's lands are assessed for the work that was being done in repairing the drain, in other words, she was a party to the by-law that was passed by the council for providing the funds for these repairs.

The specifications prepared by the engineer provided that the earth excavated from the drain should be thrown upon the highway to the north of the drain. The contractor wished liberty to deposit some of this earth at certain cuts upon the adjacent lands to the south of the drain, and a number of owners gave their consent to their doing so. It is said the plaintiff's agent also consented to the earth being deposited upon the plaintiff's lands. His authority to give such consent is denied. Be that as it may, the whole of what is alleged as the trespass in this case is the action of the contractor in varying from the written specifications at certain portions of the work and depositing the excavated earth upon the south instead of the north bank of the drain, such variations not being objected to by the other land owners interested, and the contractor supposing the plaintiff had, through her agent, given her consent.

A purely local work was being undertaken. The township as a whole was not interested. The only persons concerned were those within the drainage area and whose lands were being taxed for the expense. The only persons particularly interested in the earth being deposited upon the north or south bank were the owners of the immediately adjacent land. Under these circumstances it was quite open to the parties to vary the specifications, with the consent of those interested, and it is contended that is all that was done. If the plaintiff gave no consent, and such has been found by the learned trial Judge to be the fact, then the deposit of the earth upon her land gave her a claim for compensation consequent upon the construction or repair of this drain. It is not contended that the contractor did more than spread the earth as the specifications provided, except that it was spread upon the south instead of the north side of the drain.

Section 93 of the Municipal Drainage Act, as found in 2 Clarke and Scully's Drainage Cases, p. 589, provides that "all proceedings to determine claims . . . arising between . . . individuals and a municipality, company or individual in the construction, improvement or maintenance of any drainage work, . . . or consequent thereon, or by reason of negligence, . . . shall hereafter be made to, and shall be heard or tried by the referee only," etc. Then subsec. 2 provides that these claims shall be commenced by the service of a notice setting forth the damages or compensation, and subsec. 5 provides that no proceeding within the section shall be instituted otherwise than as the section provides.

The Legislature has, therefore, taken away the ordinary remedy by writ, and proceedings following thereon in the High Court, County Court or Division Court, as the case might be, and provided a form for adjusting such claims. Formerly where the party had misconceived his remedy and proceeded by writ, and it was later on discovered his claim was one for compensation under the special Act, the Court transferred his claim to the referee, and the cases are numerous where that was done. Now, however, no power exists in the Court to make an order of transfer, and where proceedings are taken for the recovery of claims that fall within sec. 93 otherwise than as provided by that section, they fail.

Section 95 provides for the local drainage area bearing the expense of working out the provisions of the Act, and where damages and costs are payable by a municipality arising from proceedings taken under the Act, all the lands and roads assessed for the drainage work contribute *pro rata* towards the payment thereof.

This plaintiff has a judgment against the defendant township for a large sum for costs payable out of the township funds generally, while had the proceedings been taken as the Act provides, the plaintiff would have obtained her compensation, and it and the expense attendant upon adjusting it, would have been borne by the lands for the benefit of which this work was undertaken.

I think it is clear that the claim of the plaintiff falls under sec. 93, and that her remedy is as that section provides, and that the action is improperly brought in the High Court.

The defendants urged other matters upon the argument that I am of opinion they would have been entitled to relief upon, but which, in view of the foregoing, it is not needful to discuss. I think the appeal should be allowed with costs, and the action dismissed with costs throughout.

G.A.B.

(IN THE COURT OF APPEAL.)

In re McCLURE AND THE TOWNSHIP OF BROOKE.

Dec. 30th, 1905.

(Reported in 11 O.L.R. 115.)

The assessment for damages and costs recovered by a person complaining of a defective system of drainage must be made only against the lands included in the drainage scheme complained of. Lands included in an amended scheme undertaken after the right to damages has accrued and claim has been made are not liable.

Judgment of the Drainage Referee affirmed.

An appeal from the Township of Brooke from the report of the drainage referee was argued before Moss, C.J.O., Osler, Garrow, and MacLaren, JJ.A., on the 5th of October, 1905. The facts and the point in dispute are set out in the judgment.

Aylesworth, K.C., for the appellants.

Wilson, K.C., and F. W. Wilson, for the respondents.

December 30. The judgment of the Court was delivered by Moss, C.J.O.: On the 27th of September, 1904, the council of the township finally passed a by-law numbered seventeen for the year 1904. The object of the by-law was to raise the sum of $1,225 by levy upon certain lands and roads set forth in a schedule in order to pay certain damages and costs awarded against the township in a proceeding instituted by Joseph McClure, Mary McClure and John W. Bryce for damages occasioned to their lands through a defective drainage system.

The damages in question arose in the years 1900 and 1901, but the proceedings for their recovery though commenced in August, 1901, were not finally terminated until February, 1904.

The drainage works in operation at the time when the damages occurred consisted of (1) what is called the 12th and 13th concession drain; (2) a new or additional outlet whereby a considerable portion of the waters coming through

the 12th and 13th concession drain were cut off and diverted from their course towards the town line between the Townships of Brooke and Enniskillen and conducted to the lower part of the drain near its entrance into Durham creek; (3) the Parker and Lucas drain traversing the area between the north quarter of lot 9 in the 13th concession and the south half of lot 5 in the same concession and entering the 12th and 13th concession drains on the front of lot 5 in the 13th concession.

There were besides some award drains and municipal drains connecting with these or some of them, and repairs and improvements were made to (2) and (3) under by-laws passed on the 10th of January and the 11th of April, 1898, respectively. In the result, however, the lands of McClure and Bryce were damaged.

On the 26th of July, 1902, while the litigation was in progress, the council of the Township of Brooke finally passed a by-law numbered 9 of 1902, providing for the deepening and widening of the outlet drain No. 2 above mentioned. It appeared from the engineer's report that the drain was not of sufficient capacity to dispose of the water brought to the locality of its head and the engineer's recommendation was that it be repaired and improved by deepening and widening in the manner appearing in the specifications, plan and profile of the work. The by-law provided for the work recommended and this was completed before the litigation had come to a conclusion, and the referee referred to it in his report remarking that "the drainage work has now been enlarged and improved and it may be that no further injury will be done." The by-law provided that the sum required to be raised should be assessed, levied and collected upon and from the lots and parts of lots specified.

After the referee's report awarding damages and costs the council of the township passed the by-law now impeached. It recites the proceedings and that the referee found that the 12th and 13th concessions drain was insufficient to carry off the water brought to it, and by reason thereof the parties instituting the proceedings "had sustained damages in respect to which damages and costs of such proceedings said moneys became payable by the municipality." It then recites that by the by-law of the 26th of July, 1905, provision was made for the repair and enlargement of the 12th and 13th concession outlet drain which the referee had found to be insufficient to carry off said waters which did the damage, to make it sufficient for such purpose "and all lands were assessed for such work of maintenance sending water down thereto and causing the damage aforesaid, and the said assessment made by the said by-law is the proper one according to which the said money shall be levied *pro rata* as aforesaid." It then enacts that the sum of $1,225 shall be charged and assessed *pro rata* upon the said lands and roads assessed by the by-law of the 26th of July, 1902, as set forth in the schedule.

The objection to this method of assessment is that it renders liable lots and parts of lots assessed for benefit for the work done under the by-law of the 26th July, 1902, to an assessment to pay damages and costs occasioned before that by-law was passed or the work for which it provided.

It was argued for the appellants that the language of sec. 95 justified this action of the council. But it must be read in view of the condition of things for which it was providing, viz., a drainage work imperfect in its operation and so causing damage and an award against the municipality of damages and costs in consequence thereof. These naturally flow from the state of the drainage system at the time and are the result of the work done for the benefit of those whose lands were assessed for its construction or its maintenance up to that time. The in-

tention can hardly be imputed to the Legislature of proposing by the use of the words, "lands and roads in any way assessed for the drainage work according to the assessment thereof for construction or maintenance" to include a charge against lands brought in or made to contribute to the cost of other drainage work not contemplated or in existence at the time when the damages accrued and the carrying out of which contributed in no measure to them. These words of the section may fairly be restricted so as to impose the liability there mentioned on the lands and roads assessed for the drainage works to which the damages are attributable, that is the then existing system.

We agree with the referee that sec. 95 was not intended to support an assessment such as that contained in the by-law in question and that it should not be allowed to stand.

The difference to the respondents in the amount of the assessment may not prove very considerable, but it is sufficiently important to justify their not submitting to the by-law.

Other objections to the by-law were urged by the respondents but it is not necessary to consider whether they affect its validity. It may perhaps be proper to remark that a little more particularity in description of some of the parcels, which no doubt could be done without much trouble, would make the schedule clearer and more intelligible.

The appeal is dismissed with costs.

R.S.C.

(COURT OF APPEAL.)

McOuat v. United Counties of Stormont, Dundas and Glengarry.

June 16th, 1906.

(Reported in 8 O.W.R., 40.)

Owners of low-lying lands which suffer because of excessive rainfall brought into a natural channel upon which these lands abut from a more extended watershed with increased rapidity due to improvements in drainage and cultivation throughout the district of which they form a part, have no cause of action against the municipality in charge of drainage works in the absence of negligence or evidence that their outlet has been obstructed by something done by the municipality.

Where the specifications of a drainage work provided for the deposit of the excavated material under instructions of the engineer in charge, it is not a breach of trust on the part of the municipality to permit the engineer to change the method of depositing the excavated material.

Appeal by defendants from judgment and report of drainage referee, dated 28th November, 1904, awarding the plaintiffs James and Thomas H. McOuat, of the Township of Matilda, $400.00 damages for injuries which their lands sustained by flooding.

M. Wilson, K.C. and J. Leitch, K.C., for defendants.

E. D. Armour, K.C. and I. Hilliard, Morrisburgh for plaintiffs.

The judgment of the Court (Moss, C.J.O., Osler, Garrow, MacLaren, Meredith, JJ.A.), was delivered by:

MEREDITH, J. A.: The appeal comes up in a manner which is quite irregular and unsatisfactory, as it appears to me. The action was for flooding lands, and the relief sought an injunction and damages; and the whole matter was referred to the drainage referee. After a prolonged reference, that officer has expressed the opinion that plaintiffs are entitled to recover $400.00 damages, but that it would be unsafe to grant an injunction without further evidence, and, therefore, that the reference should be postponed until plaintiffs can furnish such evidence. So that there is nothing like finality of the reference, nothing, that I can perceive, to prevent a re-casting of the referee's opinion in a very different mould, in all respects, before he becomes *functus officio—before* he has parted with the case. The nature of the injunction to be granted might afford a test of the referee's opinion regarding plaintiffs' right to recover; it might prove even to himself, that the view he has formed is erroneous. The work was done at so much per yard, not at a price for the whole work, and all the money available was so expended. And other matters of much difficulty presented themselves. And if all that were not so, the appeal would be against a partial finding only, with the probability of another protracted reference and another costly and long-drawn-out appeal. That ought not to be encouraged in any case, and much the less so in one in which the reference, as far as it has gone, which might well have been heard in as many days, has already extended over more than three years; and this appeal over as many days as hours should have sufficed. But the appeal has been taken, in a book of nearly 800 pages, and been argued at a great, if not wearisome length, without objection on this score from any one; so that it may be well to dispose of it on its merits, and await the next instalment, but not to pass over the mode of bringing it up as if it were quite unobjectionable to any one.

Plaintiffs' claim, as presented in the pleadings and throughout the reference, was based upon two grounds of negligence: (1) the insufficiency of the excavation; and (2) the improper deposit of the material excavated. Other grounds, affecting the validity of the first by-law, were also taken upon this appeal, but need not be referred to further than to say that they were wholly inconsistent with plaintiffs' course throughout, within this litigation as well as without, and inconsistent with their interests, as well as taken, now for the first time, more than twenty years after the statute—46 Vict. ch. 18, sec. 573 (*o*)—had rendered them ineffectual, and after the dismissal of an action brought to quash the by-law.

Plaintiffs have nowhere stated the legal grounds upon which their claims are based—the legal character of the causes of action upon which they seek relief; and their counsel, upon this appeal, were unable or unwilling to state them. Giving their allegations of fact the fullest meaning, they may cover two causes of action: (1) the ordinary action of trespass upon the case of flooding their lands; and (2) breach of trust. No statute giving any right of action was relied on or referred to . . . Township of Raleigh *v.* Williams (1893), A.C. 540, affords no authority for it. That was an action based upon the duty, expressly imposed by statute, of keeping drains such as that there in question in repair: and if it could rightly be said that it logically follows from that judgment that plaintiffs have a cause of action if they failed, through defendant's fault to obtain all the benefit they would have had from the work in question if it had been properly done, that is, that defendants should make good the difference between the benefit plaintiffs have had and that which they ought to have had from the work, assuming that there was such a difference—the answer might well be that a judgment is an authority for that which is decided by it, and not for all that might logically follow from the reasoning in it.

Plaintiffs failed, in my judgment, to prove anything like a good cause of action at law for flooding their lands. It would be an extraordinary thing if the great expenditure of money which was incurred, the great amount of work which was done, under the direction of the most experienced and best engineers available, and the superintendence and care of a competent committee of defendants' council, and under the interested and vigilant eyes of plaintiffs and others; the removal of the dam, shoals, and other obstructions, substantially all lower down stream than plaintiffs' lands, work done for the one purpose of preventing as much as possible the flooding of such lands, should have had the effect of flooding them more than ever; and also an extraordinary thing that, though the work was begun in the year 1885, plaintiffs' claim is only for injury sustained in the years 1899 and 1900 only. It would be a different thing if plaintiffs' lands were as near to the foot as they are to the head of the work. As one might well expect, the cause of plaintiffs' loss appears to have arisen, not from any greater obstruction to the channel, the better opening of which was the sole purpose of the great work and great expenditure, but excessive rainfalls in 1899 and 1900 brought into the channel from a more extended watershed with increased rapidity through improved drainage and cultivation in that and from year to year—the ordinary process of evolution in such matters in this new country. Looking at the maps showing the great area of the watershed, and the network of drains in it, and reading the evidence of the sluggish character of the stream called the Nation River, in which the work was done, and which is the only outlet for all of the waters of that area, there is nothing extraordinary in plaintiffs sustaining injury upon their low-lying lands in years of excessive rainfall and consequent excessive and long continued summer floods. They have, as I find, wholly failed to prove that their outlet was in any manner obstructed by anything done by defendants negligently or otherwise; though the relief which they expected to obtain by means of the work has not been obtained, the benefit of it may fall very short of their expectations; and it has been proved that the injury which they did sustain arose from other causes—those which I have mentioned. This ground of action, therefore, fails; and I have been unable to find anything in the referee's reasons showing that he had come to any contrary conclusion, that is, that he had found that the work left plaintiffs' lands worse than they were before it was undertaken.

Then are defendants liable for any breach of trust? It is said that they plainly are, for having relieved the contractors on the work from an obligation to put the excavated material upon the high and more distant banks of the stream, and permitting them to place it under such banks, thereby greatly reducing the efficacy of the work. At first sight this charge seems like a formidable indictment: but one naturally asks why, if it were really half as objectionable a course as plaintiffs assert, was it done? No one impugns the good faith or skill of the engineer nor the integrity and ability of the committee of council. Upon closer investigation, reasons which seem to be abundantly sufficient for, if they did not indeed substantially necessitate the change, appear. The by-law contained nothing directly or impliedly bearing upon the subject; the provisions as to the removal of the excavated material, are contained in the agreement with the contractor for the doing of the work—entered into several months after the passing of the by-law; and that provision by no means required the material to be removed beyond the high banks as clearly as plaintiffs contend for. It is in these words: "The material to be excavated will be measured in position, and when excavated will be placed on the bank at a distance of not less than three feet clear from the

river, unless directed by the engineer to be placed at a less distance." The words "on the bank" are somewhat indefinite—whether near or distant, or whether high or low water, banks, is not expressly intimated. In many streams in this Province the high and distant banks are in places half a mile away or more from the river, even at high water; but that does not seem to have been the case with the stream in question at the place where the work in question was done. Then there is the extraordinary provision contained in the words, "unless directed by the engineer to be placed at a less distance;" that is, whether the words "the river" meant the water or meant the top of the high banks, near to which the water would never come—the engineer might direct a change in the place of deposit to the extent of three feet—one yard of earth—which could never have been meant, but is an obvious mistake, however, it may have arisen. So that there was, upon the wording of the contract, abundant material for dispute and litigation upon a question whether the contractors were really bound to remove the material beyond the high banks; a thing which they never could have done at the price contracted for—29¾ cents a cubic yard for material other than rock, and $1 for the latter. There was also a provision in the contract that the decision of the engineer in charge as to the location and deposit of the material excavated and removed, should be final, subject to a provision as to arbitration contained in the agreement, and also another provision that in case of any doubt as to the meaning of the specifications the decision of the engineer in charge should be final. When the matter came to a practical test, it was found to be virtually impossible to deposit the excavated material upon the high banks, for that was private property, over which none of the parties to the contract had any power; the right to use such lands as dumping grounds would have to be acquired, if it could, and there were no means for that purpose. In these circumstances, the engineer in charge decided, as under the contract he might, that the material might be deposited in the deep places of the river so that in every case it could be at least one foot below the bottom grade of the cut. It is very difficult to find any negligence or breach of trust in this. What better could have been done? If the view that the terms of the contract required removal beyond the high bank were insisted upon, litigation with the contractor might have followed; and had the engineer decided in favor of that view, and had the contractor acquiesced in it and attempted to act upon it, litigation, in which both parties to the contract must have failed, would have been certain, at the suits of the landowners concerned, whose lands were invaded, and injunctions would have prevented the work. So that even if the course which the engineer adopted would necessarily have rendered the work less effectual, it could not, practically speaking, have been avoided. But it is not proved that it was likely to have or had any such effect. Why should it? Plaintiffs objected promptly to the course the engineer took; they complained to the Commissioner of Public Works for Ontario, a large provincial grant in aid of the work having been made; and the complaint was promptly investigated by the engineer of the Department—a competent and impartial officer—under the direction of the Commissioner, and was found to be unsubstantial, the engineer having reported that the course adopted was not objectionable, and that the drainage committee and engineer were endeavoring to have the work carried out to the best advantage under the circumstances. This took place in 1886, and nothing more seems to have been made of the complaint until this action was brought fifteen years afterwards . . .

I find that the work was in no manner substantially deprived of any of its effect by the direction of the engineer in charge as to the removal and deposit of the excavated material; that that direction was a proper one under all the circumstances; that the engineer had the power to make it without the consent of either party; and that, in any case, it was no breach of trust on the part of the defendants, who in good faith and with much care appointed the best available engineer, and would have been justified in acting upon his advice if a change had been made by them, not by him; that, since defendants' work ceased, plaintiffs took part in doing work of the character of which they complain, that is, dumping material excavated from the bed of the stream within the high banks; . . . it is evidence in favour of the action of the drainage engineer, of the report of the departmental engineer, and of my finding.

There is even less evidence to support the last ground of the action—that the excavations were not made to the depth and width provided for . . .

It may be to be regretted that better drainage has not been obtained—that the scheme adopted and carried out did not prove as effectual as it was hoped it would —but the owners of low-lying lands must not expect more than they are lawfully entitled to; they must not expect the advantage of low lands, which may be acquired originally at low prices, in receiving and being enriched by alluvial soil brought down from the higher lands and deposited upon them by floods, with all the advantages of the uplands from which the enriched soil has been by nature robbed. If swamp lands are to be thoroughly drained at some one else's expense, they would not be purchaseable for a song, but would be of greater value than high and dry lands. It is easy for a purchaser of low-lying lands to complain, and one's sympathies naturally go to him when his crops are destroyed by flood, but he has no right of action except for a wrong done to him by the party sued.

The result, upon my findings, is that plaintiffs' action fails upon all grounds, assuming that they have at law or under any statute a right of action; the more so if and in so far as the right of action may be of an equitable nature for breach of trust; they have not sustained in evidence the facts upon which their claims are based. It is not necessary to consider whether in any respect plaintiffs have no right of action in the absence of the other persons having equal rights with them in the drainage proceedings in question.

Appeal allowed and action dismissed with costs.

(COURT OF APPEAL.)

Nov. 13th, 1905.

Re FARRAND AND TOWNSHIPS OF MORRIS AND GREY.

(Reported in 6 O.W.R. 686.)

The owner of a water privilege and a right of easement of penning back the waters of a stream and flooding adjacent land is entitled to compensation under a scheme for the improvement of the stream in such a way as to destroy or prevent the user of such privilege and easement, and this compensation should be assessed and determined by the Referee.

Appeal by claimant, the owner of lands in the township of Morris, from the judgment of the Drainage Referee.

E. L. Dickinson, Goderich, for appellant.

W. Proudfoot, K.C., and R. Vanstone, Wingham, for the Township Corporations.

The judgment of the Court (Moss, C.J.O., Osler, Garrow, MacLaren, JJ.A.), was delivered by:

OSLER, J.A.: It appears that the township corporations have passed by-laws under the Ontario Drainage Act for the construction of a drain passing through the claimant's land and other lands adjoining. The effect of the construction of the drain, as claimant contends, will be to injure or destroy or prevent the user by him of a certain water privilege on a stream running through his farm, and also a right of easement which he possesses in connection therewith of penning back the waters of the stream and flooding adjacent land. For all this he claims compensation in the present proceeding.

That rights of this kind are the subject of compensation as embraced within the meaning of the words "land" or "lands," "real estate" or "real property," is seen by sec. 2, subsec. 8, of the Municipal Act of 1903, 3 Edw. VII., ch. 19, which enacts that these words shall include lands, tenements, and hereditaments, and any interest or estate therein, or right or easement affecting the same. And the Interpretation Act, R.S.O. 1897, ch. 1, sec. 10, provides that the interpretation section of the Municipal Act, so far as it can be applied, shall extend to all enactments relating to municipalities. If, therefore, the drain to be constructed under the provisions of the by-law will affect the enjoyment of the claimant's rights above described—and Mr. Dickinson's argument made it reasonably plain that this would be the natural result of its construction—the claimant is entitled to compensation, to be assessed and ascertained and determined by the Referee; Thackery *v.* Township of Raleigh, 25 A.R. 226.

The order of the Referee finds and declares the claimant's rights, and enjoins defendants from interfering with them. This was unnecessary if the drain will not interfere with them, and, under sec. 79, wrong, if it will do so. If the claimant does not raise the question of compensation now, it will be too late for him to do so hereafter, if it should turn out that in attempting to utilize his water power and flooding rights he will be interfering with the drain. The declaration in the order would be of no avail as against those who have the right to have the drain free and unobstructed by any operations the claimant might find necessary for his own works.

We express no opinion, of course, as to the value of the claimant's rights, or what amount should be awarded to him for compensation. This will be done by the Referee, to whom the matter is referred back for that purpose to amend and alter his report in that and other respects accordingly.

Appeal allowed with costs.

(IN THE COURT OF APPEAL.)

BRADLEY *v.* CORPORATION OF THE TOWNSHIP OF RALEIGH.

June 29th, 1905.

(Reported 10 O.L.R. 201.)

Persons whose lands are injuriously affected by the non-operation, or imperfect or negligent operation of pumping machinery constructed under the Drainage Act, R.S.O. 1897, ch. 226, are entitled to damages under the provisions of sec. 75 of that Act, and sec. 4 of 1 Edw. VII., ch. 30 (*o*).

Where therefore the plaintiff's lands and crops were injured by the overflow of water caused by the neglect of the corporation to efficiently operate the pumping plant erected in connection with certain drainage works constructed by the township, the plaintiff was held entitled to recover damages for the injury he had sustained, one half of which was imposed on the general funds of the township, and the other half on the area benefited.

This was an appeal by the defendants, and a cross appeal by the plaintiff, from the judgment of a drainage referee.

The facts are stated in the judgment of the Court.

On April 28, 1905, the appeal was heard before Moss, C.J.O., Osler, MacLennan and MacLaren, JJ.A.

Matthew Wilson, K.C., for the appellants. No negligence is shown on the part of the defendants. The plaintiff contends that the damage was caused through want of repair, and defective operation. The trouble was caused here through the insufficiency of the pumping scheme to drain the lands. The engineer recommended a more extensive system with double the pumping capacity, but the plaintiff and the other landowners interested were not willing to incur the additional expense. Sec. 73 of the Drainage Act, R.S.O. 1897, ch. 226, deals with the question of repairs, and such repairs must be borne by the persons assessed for the work, and not by the ratepayers generally: Corporation of the Township of Sombra *v.* Corporation of the Township of Chatham (1891). 18 A.R. 252. There were no defects here which affected the pumping capacity of the pump. The only effect was to entail additional labour and expense, and it is not questioned that after the pump commenced working it worked effectively. There was no neglect in operation. So soon as the defendants were made aware on the Sunday morning that the water was rising the engineer commenced working, although not obliged to work on Sunday, and the pump was kept working continuously until the water was drained off. The plaintiff cannot complain that the pumping was not commenced on the Saturday night. The plaintiff knew that the engineer did not live on the premises, there being no accommodation for him, and though the plaintiff lived on the land close by, and was in the habit of warning the engineer, she did not do so on this occasion. There was no obligation to commence pumping before the water rose over four feet below the level of the land; but even if they had been working the water could not have been kept down in consequence of the excessive rainfall, and the defendants are not responsible for this. There is no liability in damages under sec. 3 (2) and sec. 81 of the Act. The defendants are also relieved from liability by reason of the appointment of the commissioners. The pumping plant having been put in at the plaintiff's express request, she is estopped from making any claim in respect thereof.

O. L. Lewis, for the respondent: The plaintiff did not petition for the pumping plant, nor was it installed at her instigation. It was installed as part of a scheme for the drainage of the lands in the locality, and it was approved of by the engineer and adopted by the corporation. It was amply sufficient to drain the lands, had it been properly maintained and operated. There was negligent operation of the pumping plant. The by-law requires, and the referee expressly found, that the water in the reservoir was to be kept down to at least four feet below the surface of the ground, and had this provision been complied with the water never could have risen and damaged the plaintiff's lands. The pump was quite capable of lowering the water to at least six feet below the surface, and had the pump been properly attended to this could have been done. It is no answer to say that the

engineer did not attend at night because there was no sleeping accommodation for him. It was the duty of the defendants to have provided the necessary accommodation. Complaints were frequently made by the plaintiff as to the negligent operation of the pump. The evidence also shows that the engine and the boiler were not in proper repair, and that they affected the proper working of the pump. Repairs of this character must be borne by the ratepayers generally. There is, under the circumstances, no estoppel on the plaintiff. On the cross-appeal the plaintiff asked to have the damage increased.

June 29.—The judgment of the Court was delivered by MacLennan, J.A.: The plaintiff's claim is for injury to her land and crops by the overflow of water in the years 1901 and 1902, caused by the neglect of the township to operate efficiently the pumping plant erected in connection with certain drainage works constructed by the defendants within the township.

The referee disallowed the plaintiff's claim for the damage of 1901, but awarded a sum of $200 for the damages of 1902, to be apportioned equally upon the area and the general funds of the township.

The by-law under which the pumping plant and the relative drainage works were erected and constructed was passed on the 14th March, 1898. But in former years there had been constructed in the same region and neighbourhood several other drainage works, connected with a pumping outlet which were then in operation, and with which the later work when completed was connected, and the water carried by which was to be removed by a new pumping system substituted for the former. The works were constructed, the estimated cost being $6,852, of which $2,800 was for new pump works and $516 the annual cost of operating the pump.

On the 15th December, 1898, a by-law was passed appointing one, Frank Crackle, engineer, for the pump works, and defining his duties and remuneration. He was to keep the engine and boiler thoroughly clean and free from rust, and always in good running order. He was to set in motion the engine and pump at any time whatsoever, and as often as the water in the reservoir in drain in front of the pump rose four feet below the level of the land on either side of the drain, and keep the pump in motion day by day and every day—a day to consist of twelve hours—Sundays excepted, until the water in the drain was lowered to at least four feet below the level of the adjoining land, and he was to report any need of repair immediately to the commissioner of works. His wages were to be $1.25 for each necessary day's work.

The commissioner of works had been appointed in 1894, in pursuance of sec. 81 of the Drainage Act, and was one Charles Crow, with whom, by by-law passed on the 23rd of April, 1900, were associated George Brunette and Nathaniel Massey, and their duty was to superintend the pumping works. Adjacent to the pumping station was an extensive and deep dredge-cut reservoir, which received the waters conducted thereto by the various drains, and from which the water was drawn by the pump and discharged over an embankment.

The pump was centrifugal and the estimate of the engineer was that it should be capable of discharging 1,600 imperial gallons per minute with a lift of six feet.

There is no evidence, and it was not contended, that the drainage and the pumping apparatus were not constructed and completed in accordance with the engineer's report and the township by-law. It is, however, shown that it was the opinion of the engineer when advising the work that, in order to perfect efficiency, two engines instead of one should be provided for the pumping operations. This, however, was objected to by the parties who were to be benefited by and chargeable

with the expense of the works, and the less expensive work was recommended by the engineer, and was adopted.

It is not claimed either that the injury complained of has been caused by the construction of the works; and the question is whether it was occasioned by the original insufficiency of the pumping apparatus or by negligence in its operation. If by the former the plaintiff cannot succeed in her action, but must bear her loss without remedy; but if it has arisen from the negligence of the defendants, either in not keeping the pumping apparatus in repair or in not operating it properly and sufficiently, then I think she is entitled to recover.

By sec. 3 (2) of the Drainage Act it is enacted that the provisions of the Act shall extend and apply to every case where the drainage work can only be effectually executed by embanking, pumping, or other mechanical operations; and therefore this drainage work includes the pumping apparatus and its operation. It follows also that the duty of maintenance imposed by sec. 68 includes not only the excavations, embankments, and pumping machinery, but also the operation of that machinery, and I think it also follows that persons whose property is injuriously affected by the non-operation, or imperfect or negligent operation, of the pumping machinery, are entitled to damages under the provisions of sec. 73 of the revised Statute, and the new sec. 73, enacted by 1 Edw. VII., ch. 30, sec. 4 (*o*).

This view is confirmed by sec. 81, which authorizes, for the better *maintenance* of the drainage work, the appointment of one or more commissioners, with power to do all things necessary for successfully operating the work; and provides for levying the cost of doing so upon the area.

Neither the by-law appointing Charles Crow in the first instance, in 1894, as commissioner for the old pumping works, nor that of 1900, appointing Brunette and Massey as associate commissioners with him for the new works, gives any express powers or directions to the commissioners as provided by sec. 81, but, as we have seen, an engineer was appointed directly by the council on the 15th December, 1898, with express and detailed directions for operating the pumping engine.

It was argued that the appointment of these officers exonerated the township from liability for their neglect or omissions; but I see no ground on which that contention can be maintained. Frank Crackle was the first engineer. His duty was to set the pump in motion whenever the water in the reservoir by the pump rose above four feet below the level of the land on either side of the drain. Instead of doing that his practice was to begin when the water was only one foot below the level, and he says that he did not go to the pump house after the 1st of October, 1901. He had a water mark near his own house where he lived, about a mile from the pump, by which he could tell when the water rose within a foot of the level of the land at the pump.

The evidence is that the level of the land at the pump house is the lowest in the whole drainage area, and it is evident that if the water at the pump was kept four feet below the level of the land the whole area would be safe, and that is the degree of safety which the council endeavoured to secure by their instructions to the engineer.

There is evidence of much rain having fallen in October, November and December, 1901, that the plaintiff's cornfield, consisting of six acres, adjacent to the pumping station, became very wet, and that his corn, which he left in the field, as he had a right to do, and which would have been safe if the water had been taken off, was injured.

I think it is a fair conclusion that, if Crackle had operated the pump according to his instructions, the plaintiff's land would have been kept reasonably free from water, and the injury to that crop would not have occurred.

The referee has assessed the plaintiff's damage at $75 for this injury in 1901, but has disallowed it on the ground that it was not good husbandry to leave the crop in the field during the winter. The evidence is that in dry land corn may be so left out during the winter without injury.

I therefore think that this damage of $75 should not have been disallowed.

Apparently there was no pumping done between 1st October and the 17th March, 1902, when Walter Crackley took charge. Nothing unusual seems to have occurred until the 28th of June, when a heavy rain began and continued for two or three days. The 28th was a Saturday. No pumping was begun until the following day, and both Crackley and Brunette (one of the commissioners) who were present, and say that when the pumping began the water was up to the level of the land. The reservoir was full. The pumping was continued day and night by Crackley, with the assistance of several other persons, until the following Saturday, Crackley says he did not get control of the water until Tuesday, and McClatchey, who ran the engine in July and following months, says that when he began on Saturday, the 5th of July, the water was one foot below the level of the land. During the Sunday, Crackley says the water did not gain much, but afterwards did so, and spread over the plaintiff's field, and on Tuesday night he began to gain upon it. The overflow was for about a day and a half.

The learned referee has found that, had the pump been started at the proper time and continuously run, the water would not have reached the surface of the ground, and no damage would have been sustained by the plaintiff. I think that conclusion is warranted by the evidence, notwithstanding the evidence of Mr. McGeorge that, having regard to the rainfall reported by Mr. Pardo as having occurred at a station about twelve miles distant, and, assuming a similar quantity to have fallen in the area, the pump could not have prevented some overflow. I think the evidence of the actual operation of the pump and its actual results preferable to a mere theoretical statement upon an assumed hypothesis.

There was also some evidence of want of repair to the engine and boiler, but that alone would probably not have caused any damage if they had been operated as they might and ought to have been.

The referee here found the damage suffered by the plaintiff in 1902 to be the sum of $200, and I do not think that we are warranted in increasing that finding, and that, for the reasons given by the referee, that some injury was caused by the wetness of the season apart from the defective operation of the drainage works.

I also agree with the referee in imposing on the general funds of the township one half of the damages and costs awarded to the plaintiff, and the other half upon the area benefited, although as regards the costs there seems to be an inconsistency between sec. 73 (*c*) and sec. 95 (2). I would have thought it more just in a case like the present to impose the whole upon the general funds, in which case the area would still have to contribute a share.

The area is not represented before us, except by the plaintiff, and she does not complain of this part of the judgment.

The appeal should be dismissed and the cross appeal allowed to the extent indicated, and both with costs.

G. F. H.

(COURT OF APPEAL.)

December 24th, 1906.

FAIRBAIRN *v.* TOWNSHIP OF SANDWICH SOUTH.

(Reported in 8 O.W.R. 925.)

A municipal council may on a proper petition pass a by-law assuming an award drain, and in the same by-law making it part of a more extended scheme under the Municipal Drainage Act.

Appeal by plaintiff and cross-appeal by defendants from judgment and report of J. B. Rankin, Drainage Referee, dismissing without costs an application by plaintiff to set aside a by-law of the council of defendants.

The appeal was heard by Moss, C.J.O., Osler, Garrow, MacLaren, Meredith, JJ.A.

J. H. Rodd, Windsor, for plaintiff.
A. H. Clarke, K.C., for defendants.

GARROW, J.A.: The Canada Southern Railway track, built about the year 1882, passes through plaintiff's lands in the township of Sandwich South.

Before the railway was built, there was apparently something in the nature of a water course through plaintiff's lands, which had been deepened by the township, by means of which the surface waters in times of freshet escaped in a northerly direction across what is now the railway road-bed. The lands, however, on both sides, are low-lying, and appear never to have been perfectly dry and fit for general cultivation, although, before the railway was built, and for some years afterwards, while the original 6-foot culvert was maintained, he was able to cultivate at least parts of them with fair results. Some ten years ago this culvert was removed, and instead a 3-foot pipe was inserted, and ever since then his lands on both sides of the railway have suffered from flooding, and have largely ceased to be useful for pasturage. All the lands in the vicinity appear to be flat and low. Various ditches or drains have been from time to time constructed, but none was apparently fully effective, and indeed, so far as the plaintiff's lands are concerned, would seem only to have increased the nuisance, as was perfectly natural, considering that more than one award drain was carried towards the south end of the insufficient 3-foot pipe through the railway road-bed, the only exit for the water from that side, and were there left to find their way as best they could through that pipe. Another system of local drainage was carried along the Talbot road easterly, and thence northerly along the 9th concession road to another pipe beneath the railway, 5 feet in diameter, and through these two pipes all the surface water in the vicinity on the south side of the railway, seeking its natural outlet toward the north, had to find vent, or overflow the lands of plaintiff and others near the railway. In these circumstances, a petition was presented to the council asking that a certain defined area, including plaintiff's lands, might be drained by means of a drain or drains, including the assumption of what was known as the Talbot road award drain, before referred to.

The council received the petition and referred the matter to the township engineer for report, and he recommended that the Talbot road award drain should be assumed as a municipal drain, and be deepened and widened to a size sufficient to effect the purpose for which it was originally intended; and to relieve the north-east quarter of lot 301, N.T.R., from flooding, and to provide a proper outlet for

the proposed drain, he recommended what he calls the original course through lots 10 and 11, in the 8th concession (plaintiff's lands) be opened up and the outlet extended north-east through these lots along the Fairbairn Creek to the 9th concession road. He also reported that the 3-foot pipe under the railway is too small; that he had laid the matter before the Railway Committee, and that a new pipe, to be 4 ft. in diameter, and sunk to a depth of some 18 inches more than at present, has been ordered, which pipe has since been put in. And he submitted plans and specifications of the proposed work and an estimate of its cost and a schedule of assessments, plaintiff's amounting to $6.00 for benefit and $2.00 for outlet.

The council adopted the report, and on 11th November, 1905, passed a provisional by-law in the usual form for that purpose and to give effect to its recommendations, including the assumption of the Talbot road award drain, which was thereby assumed.

Plaintiff then began these proceedings to set aside the by-law, etc., and in the notice of application formulated his complaint thus: (1) Petition insufficiently signed; (2) other preliminaries (not specified) were not complied with; (3) no proper outlet; (4) water diverted out of its natural course.

Upon the matter coming before the referee, some 20 witnesses were examined, three of them civil engineers, and in the result he upheld the by-law, but, with the consent of the engineer, amended his report so as to include the deepening of the Talbot road drain easterly to the 5-foot pipe, and dismissed the application without costs.

In the argument before this Court, counsel for plaintiff renewed his contentions: (1) That the petition was insufficiently signed; (2) that the council could not assume an award drain and in the same by-law authorize its enlargement and extension; and (3) that the outlet through the 4-foot pipe is insufficient to carry away the increased waters which will under the present scheme be brought to it.

The petition was, I think, sufficiently signed by a majority of the owners to be benefited under sec. 3, subsec. 1, of the Municipal Drainage Act, as amended by 6 Edw. VII., ch. 37, sec. 1, Mr. Rodd contended, and it was necessary for his success on this point to contend, that one or more of those assessed for benefit should only have been assessed for outlet, and were therefore improperly made petitioners. I am, however, very far from being convinced that the engineer's conclusion in assessing them for benefit is incorrect.

It is not disputed that a majority of the owners of the Talbot road award drain were petitioners, as required by sec. 84, but that alone would not, I think, be sufficient where, as here, the council not merely assumes the award drain, but proceeds to enlarge and extend it into or through new territory.

I can see no legal objection to the council, on a proper petition, passing a by-law assuming an award drain, and in the same by-law making it a part of a more extended scheme under the Municipal Drainage Act, which is really what has been authorized by the by-law in question.

My chief difficulty in the case has been caused by a consideration of the evidence as to the alleged insufficiency of the 4-foot pipe—whether the "improvement" is not really going to be an injury rather than a benefit to plaintiff. It is not merely a matter of relief from his small assessment. If that were all, the case would scarcely be worth considering. But there is a very respectable body of evidence which points to the probability that his lands will, in consequence of the present scheme, be still more flooded in the future than in the past. And, while, I

still doubt, I am not upon the whole convinced that the referee erred in supporting the by-law and dismissing the application. Plaintiff admits that for many years his lands have been flooded to an extent which greatly impairs their usefulness. And it would seem a fair inference that this might fairly be attributed largely to the insufficiency of the 3-foot pipe. The engineers say that the 4-foot pipe has double the carrying capacity of the former one, and it has been lowered to a more useful depth. The waters which by the new scheme will be carried to it as an exit will be, it is true, increased in quantity. But not all of the waters carried in the old Talbot road award drain will go by the new way, especially with the work done directed by the amendment ordered by the referee, of which I entirely approve. And upon the whole I am of opinion that the weight of evidence warrants the conclusion that the new pipe in its new position will not only provide for such increased water, but that it will the more speedily remove the other waters which formerly came to the old pipe, and which, failing to escape through it, overflowed the plaintiff's lands. The way proposed seems the natural way; it is the shortest; it avoids some unnecessary angles; and it conserves the fall; all circumstances of importance in favour of the proposed scheme.

Plaintiff's appeal dismissed with costs, and defendants' cross-appeal also dismissed with costs.

Moss, C.J.O., Osler and MacLaren, JJ.A., concurred.

Meredith, J.A., agreed in the conclusions, for reasons stated in writing.

(IN THE HIGH COURT OF JUSTICE.)

In the Matter of the Municipal Drainage Act.

J. H. Moore *v.* Corporation of the Township of Mountain.

Ottawa, November 24th, 1908.

George F. Henderson, Esq., K.C., Referee.
H. A. Lavell, for plaintiff.
W. B. Lawson, for defendant.

Under the provisions of sec. 5*a* of the Municipal Drainage Act, a County Judge has jurisdiction to audit the account of an engineer for services rendered in connection with superintendence of the construction of a drainage work, as well as for services rendered in connection with the preparation of a report looking to the construction of a drainage work.

The Referee: This matter comes before me on an application made by Mr. Lavell, for the plaintiff, for a general procedure order. It appears that pleadings have been delivered and that the defendants have applied to the County Judge of the United Counties of Stormont, Dundas and Glengarry, to audit the plaintiff's accounts under the provisions of the new section 5 (*a*) of the Municipal Drainage Act, as enacted by the Statutes 3 Edward VII., chap. 22, Sec. 4, and 6 Edward VII., chap. 37, Sec. 2.

The audit was entered upon, but a question arose as to whether or not the County Judge has power to go into the account of an engineer for services rendered in connection with the superintendence of the construction of a drainage work as distinct from services rendered by him in connection with a report. This

question having been raised, the learned County Court Judge decided not to proceed with the audit until I should have determined whether or not he had jurisdiction in the premises.

In order that I may determine this question upon this present application the parties agree that in the event of my holding that the County Judge has power to audit the complete accounts, they will be bound by the result of the audit and nothing further will remain for me to decide except the question of costs. With this undertaking they join in asking me to dispose of the question as on a motion for judgment in the action.

I am of the opinion that the County Judge has power to audit the accounts of any engineer employed or appointed by a municipal council to perform any work whatever arising out of the provisions of the Municipal Drainage Act, whether in connection with superintendence or construction of a drainage work or otherwise. I do not overlook the point raised by Mr. Lavell that it is not necessary that a qualified engineer should be appointed by the municipality in charge of the work to oversee its construction, but that any competent person may be chosen for that purpose. A somewhat extended personal experience with the construction of drainage works in this section of the Province has led me to believe that in almost all cases a properly qualified engineer is actually employed for the purpose of superintending the construction of drainage works, and I have no reason to suppose that the Legislature had any distinction in mind when the section of the Act which is in question was enacted.

It may not be necessary for a municipality to employ a qualified engineer as superintendent of construction, but when they do employ such an engineer his employment is beyond any question for the purpose of performing or carrying out a work provided for by the Act. I cannot agree with Mr. Lavell that the proper reading of the section is "any engineer employed or appointed under the provisions of the Act to perform any work"; it is rather "any engineer employed or appointed to perform any work provided for by the Act" or "any work which is done under the provisions of the Act."

I do not understand that it is necessary that I should make any specific order in order to work out the result desired by the parties. I find and report that the learned County Judge has jurisdiction under Section 5 (*a*) of the Municipal Drainage Act to make an audit of the whole of the account which is sued upon, and to disallow any charges which he may deem unreasonable, and certify the amount which in his opinion the plaintiff is entitled to receive from the defendant municipality. I trust that the learned judge will now see his way clear to proceed with the audit, and when he has done so I will dispose of the question of costs of this action which are now reserved.

May 15th, 1908.

Re Duhame and Township of Finch.

(Reported in 12 O.W.R. 144.)

It is no longer necessary, since the amendment made to sec. 3 of the Municipal Drainage Act by sec. 1 of 6 Edw. VII, ch. 37, that the petition should be signed by a majority of the owners whose lands are found by the engineer to be benefited,

but it is still necessary, as it always was necessary, that the petition should describe a real drainage area, which should bear some reasonable proportion to the size and extent of the drainage scheme.

Application made before G. F. Henderson, K.C., Drainage referee at Ottawa, on 2nd May, 1908, for an order to set aside a by-law provisionally adopted by the Township of Finch in connection with a scheme for the construction of a drain known as "the McLean drain," based upon a report obtained by the township council from Mr. W. H. Magwood, C.E.

James Dingwall, Cornwall, for the applicant.

J. G. Harkness, Cornwall, for the township corporation.

THE REFEREE: The application is based upon the double ground that the petition was insufficiently signed and that the petition does not describe a proper drainage area.

The petition describes as an area two parts of lot 19 and the west half of lot 20 in the 7th concession of the Township of Finch, comprising in all 200 acres. It is signed by D. N. McLean, as owner of one part of lot number 19, consisting of 100 acres, and by A. K. McLean, as owner of another part of the same lot, consisting of 50 acres. The west half of lot 20, which completes the area as described, is owned by the applicant Joseph Duhame, and consists of 100 acres. The result is that two of the three owners in the described area have signed the petition, and, for reasons which I expressed at the hearing and which I need not further elaborate, I am of the opinion that the petition was sufficiently signed as a petition, and that the application fails in so far as it is based on that ground of appeal.

Upon the other ground of appeal, however, I am satisfied that the application must succeed, and I so find and report. The evidence is that between that portion of lot 19 which is owned by the petitioner D. N. McLean, and the other portion owned by the petitioner A. K. McLean, there is situated another fifty acres of the same lot belonging to one John McLean, and of which a portion at least is affected by the drainage scheme. The proposed drain starts at the easterly boundary of the property of A. K. McLean, crosses half of the lot belonging to Joseph Duhame, proceeds some distance up the middle of that lot, then crosses the other half of it, and proceeds up the boundary line between the east and west halves of lot 20, to a point where it again turns westerly and crosses the full width of lot 20; then it again turns southerly and proceeds a short distance along the line between lot 19 and lot 20, to a point where it again turns and crosses a portion of the lot belonging to D. L. McLean, to an outlet in a stream known as "Blue Creek." The result is that we find the drain commencing on the property of one of the two petitioners and having its outlet on the property of the other.

It is quite obvious that there is no reasonable similarity between the physical conditions of these two lots, and at the outset it is difficult to understand why these two with one other should be picked out for the purpose of describing a drainage area, unless it were with the object of arriving at an easy method of having a majority.

The suspicion which arises in one's mind at the outset becomes a certainty upon a further examination of the evidence. Proceeding westerly from the lots already referred to, we find that the westerly half of lot 20, belonging to B. Thomas and T. C. Duhame, nearly the whole of the south-west quarter of lot 21, belonging to C. Thompson, and parts of the north-west quarter of lot 21 and the south-east quarter of lot 21, belonging to J. Curry and T. Charlebois respectively.

are in identically the same position, as regards drainage, as the property of the petitioner A. K. McLean and the property of the applicant. Over the whole of this property there is a swampy depression, having its greatest depth on lot 20, and being a basin which slopes gradually up to drier land on lots 21 and 19. There is no difference whatever between the different halves of lot 20, and no reason can be imagined why the east half of lot 20 was not included in the area described in the petition, unless it was with the deliberate object of describing an area with only three owners, so that the two petitioners would themselves constitute a majority.

This is altogether contrary to the intention of the Act, and I do not for one moment hesitate in holding that the township council should have refused to act upon a petition so signed.

It is perhaps proper that I should shortly state what I understand to be the intention of the Act, with express reference to the effect of the amendment to sec. 3 made by sec. 1 of 6 Edw. VII, ch. 37. Since that amendment, it is no longer necessary that the petition should be signed by a majority of the owners whose lands are found to be benefited by the engineer who makes the report, but it is still necessary, as it always was necessary, that the petition should describe a real drainage area which should bear some reasonable proportion to the size and extent of the drainage scheme. The reasoning of the Chancellor in West Nissouri *v* North Dorchester, 14 O.R. 294, is still applicable, and, although that was a case as between two different municipalities, there is no reason why the principle there outlined should not be applied within one township. See also the opinion of Mr. Justice Britton (then Drainage Referee) in Gosfield South *v.* Mersea, 1 Clark and Scully 268, and the judgment of Mr. Rankin *in Re* McKenna and Township of Osgoode, which was affirmed by the Court of Appeal, 13 O.L.R. 471, 8 O.W.R. 713.

It is the intention of the Act that the township council should pass judgment upon the sufficiency of the area described in the petition, and should see to it that the area is therein fairly described. When a township council does really and fairly exercise judgment upon such a matter, I think I should be loath to review their exercise of judgment, but the evidence in this matter satisfies me that the members of the council paid no attention whatever to this feature of the matter, but simply concluded that they could act upon any petition which was signed by a majority in number of the owners of the described area. Had they paid the slightest attention to the matter, their local knowledge must have told them that this area was not fairly described but that in order to make an area the petitioners had acted as I have already indicated.

I wish to guard myself against laying down the proposition that three lots or parts of lots may not constitute an area. There may be a case in which it would be proper for the council to act upon a petition which described such a small area only, but it would needs be an extraordinary case. What I wish to point out very plainly is that it is not proper to pick out any portion or portions of what is in fact a distinct basin requiring drainage. Subject to the discretion of the township council, the majority are to rule, but they must constitute a real majority, and in no case should the council permit the provisions of the Act to be abused by allowing a real minority to impose upon an actual majority.

For these reasons, I am of opinion that the by-law in question must be quashed, and I so order and report.

The costs may be taxed on the High Court scale, and shall be paid by the township corporation. The applicant will affix $4.00 in stamps to this report as for one day's hearing, and may tax the amount as a portion of his costs.

(IN THE HIGH COURT OF JUSTICE.)

In the matter of The Municipal Drainage Act.

MATILDA *v* EDWARDSBURGH.

PRESCOTT, ONT., 3rd Dec., 1908.

G. F. HENDERSON, K.C., Drainage Referee.

I Hilliard, for appellants.
J. A. Hutcheson, for respondents.

Where a drainage work is continued into an adjoining municipality it is essential to its legality that it should be continued to a sufficient outlet.

The fact that the outlet is at a point where the main stream, during seasons of flood, backs up temporarily into the stream being important is not sufficient to constitute insufficiency of outlet. It must appear that there will be a further amount of water brought down by the construction of the proposed work, to such an extent as to occasion injury to lands or roads at the proposed outlet in excess of the injury which they naturally sustain.

It is essential to the validity of a drainage scheme that the municipal council exercise a quasi judicial discretion as to whether or not they should adopt a petition for a drainage work.

THE REFEREE: This is an appeal of the Township of Matilda from a report, plans and specifications of Mr. C. H. Fullerton, which have been adopted by the Township of Edwardsburgh and formed a portion of by-law 795 of that township, which was provisionally adopted on the 2nd day of August 1905.

At the request of the parties I made an inspection of the proposed drainage district on each of two occasions. The first was on the 2nd day of October, 1906, at a time when the lands were dry and when we had a most excellent opportunity for seeing them in a dry state, and the other on the 14th day of April, of the present year 1908, during a period of high water or approximately high water.

The result of the inspection which I made on each of these two occasions was to satisfy me that the scheme was entirely a meritorious one, and I would have no hesitation in saying that because of my belief that it is such a meritorious scheme I would not hesitate to give the benefit of any doubt which might exist, in favour of upholding the scheme, and if I am obliged to set aside the report, as I feel I am obliged, I must do so with the greatest possible regret, and if a superior Court should think it proper to differ with me in the result of my judgment, I would personally feel much satisfied.

Dealing first with the merits of the scheme, the objections raised by Mr. Hilliard are, first, that the outlet at the south branch of the Nation River is not sufficient.

Mr. Hilliard points out that under sec. 63 of the Municipal Drainage Act, this being a case in which the work is continued into an adjoining municipality, it is essential to the legality of the scheme that it should be continued to a sufficient outlet.

Under the Act a sufficient outlet is interpreted as being a point at which there may be a safe discharge of the water where it can do no injury to lands or roads.

I do not take that section to mean absolutely no injury, for it is difficult to understand the case where some injury of some kind will not be done by the construction or operation of the drainage work.

I take it to mean injury in a reasonable sense, or appreciable injury. The evidence here is that there is always damage to lands in the vicinity of the outlet of the proposed drainage work at periods of flood water. Always during the spring and fall floods, and frequently or on an average of every other year in any particular period during the extraordinary rains which we have in this country in the summer time.

That damage is caused not so much by the water which comes down through the course of the proposed drain, as by the backing up of the water from the Nation River itself and the south branch, and it is instructive to notice that the owners of land frankly admit that the damage is caused, not so much by the water backing up into the south branch of the Nation River itself, as into the creek or drain which is intended to form the latter portion of the proposed drainage work.

In order to find the outlet insufficient, I would have to be satisfied that there will be a further amount of water brought down by the construction of the proposed work, to such an extent as to not merely add somewhat to the amount of water which will be upon the lands of the owners in Matilda at the time of flood water, but that that extra amount will be such as to occasion injury to their lands or to the roads of the township.

It may be that we are near the point where the excess flow of water will do damage to these parties. There is an old saying that, "it is the last straw which breaks the camel's back," and it may be as they say, that they are suffering more and more as the years go by from flood water, but at the same time some of the witnesses—I recall particularly Mr. McOuatt, one of the most intelligent of all, if I may be permitted to say so—admitted with great honesty and proper frankness that the improvements which have been made to the stream below that, somewhat off-set the greater flow of water which is brought down by the improvements in the different streams above, but they say that in the result there is not very much difference between their condition now and their condition some years ago.

It seems to me evident that the real solution of the difficulty here is the improvement of the Nation River at some point or points below this particular locality. I hope that the parties will some day come together and bring about that improvement. For the present I cannot find on this evidence that the construction of the drain will bring down a sufficient amount of water to add to the injury which the lands and roads in Matilda already suffer, and it follows, therefore, that I find there is a sufficient outlet provided for the work in question.

In coming to that conclusion I think it is proper that I should say that I am perhaps influenced by what I take to be the importance of the conclusion I come to in this matter.

The Nation River is, throughout almost its whole course, a sluggish stream with low banks. As the plan prepared by Mr. Morris and filed in these proceedings shows the Nation River and its tributaries is the drainage outlet for the greater portion of the eastern peninsula of Ontario, very much more than the average citizen knows or even dreams of, and a holding that the Nation River at any particular point is not a sufficient outlet for drainage work, might prevent the carrying out of much of the drainage work in the whole of the eastern peninsula of Ontario.

I hope the parties interested in this matter will make it worth their while to look at the map Mr. Morris has filed here, in order that they may realize that this case might possibly have established a precedent, which might be dangerous not only to this vicinity, but to the whole of this portion of Ontario. We must be neighbourly in this world, and I think the class of men who gave evidence here yesterday and to-day are the class of men who will be neighbourly.

This is a world of give and take, and while I have found I think properly on the evidence that there is a sufficient outlet here I am quite free to admit, and I frankly admit that in doing so I am influenced by what I know to be the importance of the finding in this particular matter, to the drainage of this part of Ontario, because whatever precedent I establish here I must follow in other cases which come before me in the future.

The next question which Mr. Hilliard raises on the merits, is that the cost of the work is out of proportion to the benefit to be received by the lands and roads in Matilda, and another position which he takes following after, and which is saying very much the same thing in another way, is, that too large an area is taken into the drainage scheme considering the fact that it is a scheme for the drainage of a comparatively small area.

That is a subject which has been very much discussed in drainage cases. I can only dispose of it by saying that each of these cases depends on its own facts, and perhaps the very best reason why I should not dispose of this case on that ground is the fact that Mr. Hilliard's main contention here is that the engineer has not made a scheme big enough, that in order to take the work to a sufficient outlet he should have taken it further down the Nation River at a very large expenditure of money.

Where it does appear that the engineer has gone unnecessarily far and in so doing has incidentally brought in for the purpose of outlet assessment a very large area of land, the Courts have held, and very properly held, that the area taken in and the scheme as a whole is much more extensive and much more expensive than is necessary for the drainage of a small area that is desired to be drained. I do not think any farmer will object to such a holding by the Courts.

There has been a tendency on the part of some of the engineers, who have perhaps been over conscientious in the discharge of their duty, to make their drains too expensive. The object of the Drainage Act is to drain farm lands, and not to benefit the engineers. In this case the complaint is that the engineer has not made the scheme expensive enough.

The result of my holding is that he has gone just about far enough. I certainly cannot find that he has included too large an area, because as far as he has gone it was his duty to assess any lands that were tributary to the scheme in so far as he carried it.

Another point raised on the merits by Mr. Hilliard, is that the report on its face condemns itself because it awards damages to certain parties near the outlet. The report does not say what these damages are for. I cannot assume that the engineer intended to say on the face of his report that he was doing something which the Statute forbids. I must assume that he contemplated some kind of damage other than damage by insufficient outlet. There are different ways in which lands may be damaged during the construction of drainage work, and I cannot read into the report for the purpose of finding grounds to set it aside, a statement by the engineer, or something which would amount to a statement by

the engineer of a fact which I have not found to be borne out by the evidence which has been given here for nearly two days.

The only other question raised by Mr. Hilliard on the merits, is that instead of the course which is adopted or is proposed to be adopted, another course leading to what is known as the Thorpe-Ellis drainage scheme should have been followed.

I am not at all satisfied on the conflicting evidence, what the real facts are as to that. There seems to be no doubt upon the evidence that when you pass in a northerly direction for some distance from station 164 in this drainage scheme you come to a well defined water course or creek which does run into the Sharpe-Ellis course at, or very near, Pleasant Valley.

Mr. Lewis says that when he was on the ground at a period of high water he found a large body of water flowing in the direction of that water course.

Mr. Morris says that it may very well be that at high water, the water which cannot find an outlet in its natural course to the east may work its way more northerly, in the direction indicated by Mr. Lewis. At all events all the engineers agree that the proposed drainage work affords an excellent flow, and can, and will safely carry the water through and over the proposed course to the outlet of the south branch.

There is no doubt, as is pointed out in my report on inspection, that in doing so the drainage work will pass through a section of land which not only needs drainage work badly, but which would be very much improved by drainage, therefore, I see no reason why the proposed course should not be adopted, merely because it is the fact that there is an alternative course which might be adopted.

I do not find one way or another as to whether or not the course to the Thorpe-Ellis drain is a feasible one. Neither of the engineers, as I understand it, seems to have made a complete examination as to that, and it is not necessary that I should find as to that. I simply find that the scheme as propounded by Mr. Fullerton is a satisfactory scheme, based on good engineering principles, and one that can be worked out satisfactorily.

There is an incidental criticism because of the fact that a clerical error appears in the profile, that if the gradient of the profile were literally adhered to the drain at the outlet would be ten feet deeper than the engineer intends it to be.

Perhaps I am wrong by saying that that would be the effect if the profile is literally adhered to, because I take it that the profile, like every document, must be read as a whole, and there is no reason why an engineer looking at that profile could not see what Mr. Fullerton intended. That is a mere incident, I take it, in the matter and one which has no effect.

For these reasons I am satisfied, as I have already said, that the scheme is a meritorious one and one that should be upheld if the preliminaries were in proper order. As to that, however, I am forced to find, although I do so with much regret, that the scheme cannot be upheld.

We find that in the month of July, 1902, an undated petition was presented to the council of Edwardsburgh, and that that petition was adopted by that council at a meeting on the first day of August, 1902. From that time until the end of 1904 the evidence is silent as to what, if anything, was done.

There is a suggestion that Mr. Brown was the engineer to whom that petition was referred, but there is no evidence as to whether he did or did not do any work pursuant to the prayer of the petition.

Some time in the autumn of 1904 Mr. Fullerton appears to have been appointed Township Engineer of the Township of Edwardsburgh, that is an engineer for the purpose of the "Ditches and Water Courses Act." It appears to have been assumed by the township council that he had general jurisdiction over drainage schemes in that township, for we find no particular instructions by resolution or otherwise being given to him as to this particular scheme.

We do find that on the 5th of October, 1904, he took an oath under the Municipal Drainage Act, evidently with the view of entering upon the duties of engineer in respect of the scheme now in question. We then find that in November, 1904, the clerk of the township is instructed to write to the township engineer, meaning, no doubt, Mr. Fullerton, as to the progress of the work, and that in December the engineer replied, promising a report at an early date.

Nothing further appears until the 27th of June, 1905. As of that date we find a second petition, which I will have to deal with later. The first petition was admittedly insufficient as to signatures. It is clear from some of the evidence that that fact was ascertained by engineer Fullerton some time during the summer of 1905, and that it was at his suggestion or request that the second petition was circulated by Mr. Ferguson.

As I have stated the second petition bears date the 27th of June, 1905. Mr. Ferguson says that it was prepared in Mr. Fullerton's office and sent to him by mail. Whether or not it was dated before being sent to him does not appear. He says he thinks that he had it signed within a matter of days, and that he then presented it to the council. That was his best recollection, but we find that there was no meeting of the council between the 26th of May and the 6th of July in that year. The meeting of the 6th of July was held in the Township Hall at the Village of Spencerville. That fact is important because the meeting for the following month on the 2nd of August was held in a different hall, because of the fact that the Township Hall was then undergoing repairs.

The minutes of the meeting of the 6th of July contain no reference of any kind to this petition or to this drainage scheme or anything incidental thereto.

The next document with which we have to do in point of date is the engineer's report which is dated the 5th day of July, 1905, which was filed with the township clerk on the 10th day of July, 1905, and which was considered and adopted by the township council on the 2nd day of August, 1905, the by-law being provisionally passed upon the same day.

There is some uncertainty as to just when the second petition was presented to the council, but the reeve, after some hesitation, becomes clear in his recollection that he signed it on behalf of the township council, and only after a resolution had been passed by the township council instructing him to do so. The minutes establish the fact that this resolution was passed at the meeting on the 2nd of August, 1905.

The reeve again becomes clear in his recollection that the meeting at which the petition was presented to the council was a meeting held in the Workman's Hall, not the Township Hall, and that it was a meeting at which Mr. French, the then solicitor for the township, was present.

As might naturally be expected, Mr. French's recollection is not very clear as to what happened at the meeting when he was present. It was one of very many matters which no doubt he had to attend to, and it was not to be expected that he would recollect what happened. He was clear, however, in his recollection that he was never asked to pass on the preliminaries, but he was given to under-

stand that these had been properly attended to, and that his assistance was necessary only for the purpose of the preparation of the by-law.

I must find on the evidence that the meeting at which the petition was presented to the council was the meeting of the 2nd of August, 1905, and that until that time, no valid petition had ever been presented to, or approved by the council.

It is very evident that the council simply took it for granted that the having of the second petition in their possession or in the possession of their clerk was sufficient to cure the weakness or invalidity of the scheme which resulted from the fact that the first petition was not sufficiently signed. They did not exercise any discretion as to the second petition, which by the way, varies somewhat in its description of the drainage area, a fact which rendered the exercise of their quasi-judicial discretion all the more necessary. They did not pass any resolution instructing Mr. Fullerton as to that petition, in fact they took no steps whatever to pass upon that petition. It is of course, undoubted law that a petition properly signed and one valid in all respects is an essential pre-requisite to the jurisdiction of the council itself, and it is of course unnecessary to point out that unless the council had jurisdiction to act, an engineer had no jurisdiction which could be conferred upon him by the council.

Upon that ground alone, therefore, I am forced to find there was no jurisdiction in the council to adopt or in any way act upon the report which is in question here.

I do not think that I should overlook the fact that Mr. Fullerton took no new oath before making his report. Whether or not it was necessary that he should do so, I need not find, as a matter of law. I am inclined to think that the fact that he had already taken an oath with respect to this particular matter would have been sufficient, unless, possibly, there was some serious discrepancy in the description in the new petition as compared with the old petition, that is something I have not checked, and I therefore prefer to pass no opinion as to the effect of the failure to take the second oath.

Had the council thought fit to submit the whole proceedings to their counsel at the time, they would no doubt have been advised to take some proceedings similar to those which were followed in the case of Elizabethtown *v* Augusta, to which Mr. Hutcheson referred in argument.

It would have been a very simple matter for them to have adopted the petition at their August meeting, to have then instructed their engineer to make a report, the engineer could then have taken his oath, and could, by satisfying himself that no change of condition had occurred in the meantime have had his report, which no doubt would have been the same report with a mere change of date, ready for the meeting of the council, which, I suppose, took place in the month of September. The by-law could then have been passed, and it would have been valid and satisfactory in all respects. That was not done, and one can only regret that it was not done, because the result is that after waiting since 1902 we find the applicants for this drainage scheme still without relief.

The only satisfaction one can glean from the whole proceeding is that Mr. Fullerton is probably still available and that the work can be put in effect pretty soon now, without, I hope, much increased expense.

As a result, I must hold that the report is invalid, and the provisional by-law ineffective.

The costs of the proceedings must be borne by the municipality of Edwardsburgh, but in view of the fact that the persons in that township whose lands and

roads were proposed to be assessed for the drainage work, can in no way be said to be responsible for the failure of the officers of the township to carry out the provisions of the Act. I direct that the costs shall be borne by the municipality, and be payable out of the general fund.

The costs of the appellants will be taxed upon the High Court scale, as between party and party, and the costs of the respondents as between solicitor and clients.

The appellants will affix eight dollars in stamps to this report as for two days trial, which amount will be taxed as a portion of their costs.

(IN THE HIGH COURT OF JUSTICE.)

In the matter of The Municipal Drainage Act.

McIlvenna *v.* Osgoode.

Ottawa, Ont., 17th Dec., 1908.

G. F. Henderson, K.C., Drainage Referee.
J. A. Hutcheson, K.C., for the plaintiff.
George McLaurin, for the defendant.

Where a contract for drainage work provides for payment upon certificate of the engineer-in-charge, and the work is classified so that the exercise of skill and judgment by the engineer is necessary before a certificate can be given, the certificate is a condition precedent to payment.

The Referee: This is an action brought by the contractor for the construction of a drainage work in the Township of Osgoode, known as the Cassidy Drainage Scheme, against the municipal corporation of the Township of Osgoode, claiming the sum of $8,293.40, made up of several items which he claims to be entitled to receive from the township in excess of the amounts which have been paid to him under the certificates of the engineer in charge of the work, for the work.

The contract which governs the rights of the parties is dated on the 9th day of May, 1905, and provides for the doing of the work by the plaintiff at stipulated prices per cubic yard for earth, hard pan and rock. It also contemplates that the clearing of the right-of-way is to be done by the contractor, although no price is specified as a remuneration for that work. It is provided by the contract that no payment is to be made until the certificate in writing of the engineer in charge shall have been obtained, "as to the amount of work done as aforesaid."

The plaintiff contends that the proper meaning of this clause is that the engineer in charge is to be the judge only of the amount or quantity of work done, and that he is not to be the sole judge of the classification of the work.

The defendants contend that the proper meaning of this clause is that the engineer is to be the judge of the classification as well as the quantity of the work done.

If the plaintiff's contention is right, the evidence is that the engineer has certified that the whole of the work has been completed to his satisfaction, and in that event it is open to the plaintiff to ask for a review of the allowances made to him by the engineer-in-charge, unless he has estopped himself from asking for such

a review as to any particular portion of the work by reason of other matters to which I will later refer.

If the contention of the defendant is right the plaintiff cannot succeed in this action, because of the fact that all of the work claimed for is work done under the contract and that a certificate of the engineer as to the amont payable is required as a condition precedent. No such certificate is forthcoming, nor has it been shown that the engineer has in anyway disqualified himself from certifying.

As I read the contract the interpretation placed upon it by the defendants is the correct one. I must assume that the parties intended the agreement to be a workable one, and I cannot understand how payments could be made or amounts in money arrived at unless the work was classified by the engineer so as to enable him to money out the result of his classification in the certificate. That was a work necessitating the exercise of skill and judgment by the engineer, something much more than any merely ministerial act, and it follows as a matter of law that such a certificate as contemplated by the contract was a condition precedent to payment. Because of the fact that no such certificates are here relied upon, I therefore find that the plaintiff's action fails.

In the event, however, of it being held that my interpretation of the contract is not a correct one, I think it expedient that I should find the facts as they should be applied if the other interpretation of the contract is the one to be adopted.

The first claim of the plaintiff is in respect of solid rock excavation. The engineer in charge has allowed for ten hundred and twenty-six (1,026) cubic yards of rock.

The plaintiff bases his claim mainly upon a statement furnished him by Mr. S. B. Code, who was assistant to the engineer in charge of the work, and in which the rock excavation is placed at 1,978 yards. Mr. Code has explained that this statement was given by him at the request of the plaintiff simply as an elaboration of the original estimate and the profile, which would be more readily understandable by the plaintiff than the profile itself. I see no reason to doubt the truth of what Mr. Code says when he does say that this was a mere provisional estimate, not intended to be acted upon for the purpose of moneying out the amounts which the plaintiff should be entitled to receive, and that the event proved that the statement was incorrect.

Mr. Brown gives evidence for the plaintiff estimating a larger amount of rock than was apparently allowed for by the engineer in charge on certain sections of the work, but I cannot find that the assumptions which Mr. Brown relies upon are borne out by the facts. Mr. Brown laboured under many difficulties in making his estimate and was not in as favourable a position to arrive at the proper amount as the engineer in charge was.

I find from the evidence of several of the witnesses that the great bulk, if not all the work of rock excavation was done during the season of 1905, and at the close of that season an adjustment was had between the parties, when an amount largely in excess of the amount to which the plaintiff would have been entitled under the strict terms of the contract was paid to the plaintiff on the understanding by the township authorities that the work done up to that time, work which covered nearly the whole of the rock excavation, was to be treated as finally completed and paid for, and taken over by the township as if a separate piece of work. The fact that no complaint was made as to this, from that time on, to the township authorities by the plaintiff indicates very strongly to my mind that the estimates

for rock, which were arrived at as a result of a joint action of the parties, were correct estimates, and I see no reason why I should not adopt them now.

In connection with this item as well as the other item, I must express my satisfaction, on the evidence, with the method which the engineer in charge adopted in arriving at the amount of his estimates. He appears to have arranged to have present, whenever he made an estimate, the commissioners appointed by the township council to represent the township, and the contractor, and one or more of his immediate associates. Differences of course arose, and the engineer in charge heard representations from both sides. The officials of the township appear to have been more easily satisfied than were the contractors, but this is perhaps not to be wondered at in view of our common knowledge of these matters.

As said by Mr. Walker, the engineer in charge placed himself in the position of a judge between the parties and I see no reason whatever on the evidence, why I should find that he did not exercise fair judgment. He may at times have been mistaken in his judgment, but on the question of rock excavation with which I am now dealing, I can find no mistake.

The next item is that of hard pan. There is a serious discrepancy between the amount of hard pan estimated by Mr. Brown for the plaintiff and that allowed for by Mr. Moore, the engineer in charge, but I am satisfied that this discrepancy is accounted for by the fact that Mr. Brown is much more liberal in his ideas of hard pan, than is Mr. Moore. This fact is perhaps well illustrated by the evidence which was given by Mr. Brown when re-called in reply, he then saying that material which he called hard pan would disintegrate or crumble apart in the course of time by reason of the action of the weather.

Our common knowledge tells us there are yet differences of opinion between engineers as to the material which is called hard pan, but it is also common knowledge that a great deal of this material is of the nature of a concrete which certainly does not crumble up in such a way as to allow it to be cultivated with the adjoining soil. The price which is allowed by this contract for the material to be classified as hard pan is four times the price allowed for earth, and I cannot think that it was in the contemplation of the parties that that price should be paid for material which would be so easily handled as that which Mr. Brown describes.

The question of hard pan was dealt with when the estimates were being made by the engineer in the presence of all parties, and I think it proper that I should assume that his judgment so exercised as it was on the spot and after hearing representations from both parties, is safer to be relied upon than that of another gentleman of equal professional standing who was not present and who had not the same reason for being entirely independent as the engineer in charge of the work.

The next item refers to a quantity of large stone boulders which were encountered in the course of the work. These were not particularly anticipated by the contract, but the parties seem to have agreed, and to now agree that boulders which exceeded in size one-half of a cubic yard were to be treated and paid for as rock. In order that this might be done the inspector of the work, on behalf of the corporation, kept in small pocket pass books an account of the boulders as they were encountered together with their measurement. He appears to have worked this out in a very friendly way with the contractor, because the evidence is that his books were loaned to the contractors from time to time in order that they might check up the accounts which he was keeping in the books, and that at times when he himself was absent from the work, he permitted the contractors themselves to keep track of the boulders for him. There is some evidence also that at one time

when a minor dispute arose this same inspector, who by the way is a gentleman well known in that community and one who would naturally command the confidence of the parties, was called upon as an arbitrator of the dispute.

All the circumstances indicate that his evidence as to the quantity of the boulders is evidence to be relied upon. He tells us that from time to time he dictated to the engineer in charge statements of the numbers and sizes of the boulders, and that he saw to it that the engineer in charge got these accurately in his books—the contractor himself or his representatives and the representatives of the council appear to have been there when this was being done. The engineer says he worked out the sizes accurately, and except for one circumstance to which I will now refer, I see no reason to doubt the accuracy of the measurements and quantities as ascertained by the engineer in charge.

That circumstance is the fact that the pass books themselves are not forthcoming, and that the plaintiff produces a document which he swears to be a copy of the statement in the pass books, and which shows a quantity 510 cubic yards in excess of the quantity for which the engineer in charge has certified.

The reason for the non-production of the pass books given by the inspector is that he has changed his place of residence and that the books were lost during the moving. As they were small pass books which had perhaps served their purpose so soon as the inspector had rendered his accounts to the engineer in charge, it is perhaps not surprising that greater care was not taken of them. For secondary evidence we have the engineer's estimates and the document now produced as a copy by the plaintiff. The estimates were made at the time and from time to time while the copy is forthcoming only now. The estimates were prepared by the engineer from an independent point of view, and I cannot understand any reason why he should have desired to leave out any of the quantities which the inspector gave him, or why the inspector should have desired that any quantities should be left out. There is no doubt some explanation of the discrepancy, which does not occur to one at the moment. I do not suggest or insinuate in any way that the plaintiff has falsified the copy in the book, but I cannot help thinking that there must be some mistake in the copying which has resulted in working out a larger amount than the amount actually taken from the stream. Here, again, I am influenced by the fact that the parties were all present when each estimate was made, and that no complaint was made until after the final completion of the work, although the large bulk of the work of removing boulders was in the section which was taken over at the end of the season of 1905.

The next item claimed for is one which comes under an entirely different category because no price is provided for it by the contract, and except for the effect of the non-production of the certificates, it is clearly a matter in which I should review the discretion of the engineer in charge. The parties agree that the surface of the right-of-way which had to be cleared amounted to twenty acres. The parties agree that the plaintiff is entitled to proper remuneration for this work. The evidence as to the value of the clearing runs all the way from five dollars an acre, which is the valuation of defendant's witnesses, through different amounts, the plaintiff himself estimating it at thirty-five dollars an acre, and one of his witnesses, perhaps in a facetious way, suggesting that part of the work was worth three hundred and fifty dollars an acre. I am strongly inclined to think that Mr. Moore has not allowed a sufficient amount for this service. There is no way in which I can arrive at it accurately, but treating it as a jury would, I think I will not be very far out of the way if I approach a middle course between the

valuation of the plaintiff and the valuation of the defendants, and fix an amount of fifteen dollars an acre, or three hundred dollars in all for the clearing of the right-of-way.

Another item claimed for is the clearing of the old river bed of loose rock and boulders, for which the plaintiff claims the sum of $1,244.40. It appears that these were stones smaller than those allowed for as rock excavation, and because they did not come within the classification of rock the engineer in charge treated them as part of the earth excavation and allowed for them at earth prices. In doing so he paid no attention to the space between the stones, but treated the bed of the river as if there were solid earth between the line which would be obtained by drawing a line along the rocks from the top of one to the top of another and so on, and the grade line of the work. I do not know of any fairer way of getting at the matter, it is a way which I know to be customary with engineers, and I cannot see that the plaintiff can very well complain of it, in fact Mr. Hutcheson, with his usual fairness, has not pressed this item in argument.

There only remains some small items and one other claim which I will dispose of before the small items. In paragraph fourteen of the Statement of Claim, the plaintiff claims damages for breach of contract because as he alleges payments were not made to him at the times provided for by the contract.

For the double reason that I do not think that this is a claim which would sound in damages, and that I cannot find on the evidence that there was any substantial failure to comply with the terms of the contract, I cannot find that the plaintiff is entitled to recover anything under this head. This again was substantially abandoned in argument.

There then remains the small items to which I have referred. The first of these is the item of $4.80 for drift bolts for a bridge in Metcalfe, and the second is an item of $8.00 for some stone furnished to another bridge in Metcalfe. Both of these bridges were for work under the contract in question. If the certificates were conditions precedent, the amount claimed could not be recovered because of the absence of the certificates. Apart from that it appears that under the contract the plaintiff was to do the work of re-construction of the bridges, necessitated by the construction of the drainage work, but the defendants were to supply the materials. Both these items appear to be materials which were necessary for the reconstruction of the bridges. The evidence is not altogether satisfactory, but such as it is, it shows that the plaintiff supplied the materials and has not been paid for them, so that if the plaintiff is entitled to recover without a certificate, he is entitled to these two amounts.

The third of these smaller items is a claim for $29.00 for fourteen and a half days labour assisting the engineer in charge in the performance of his work. The evidence is, perhaps, contradictory as to whether or not this has been paid for. The engineer says that he caused any assistance which was rendered to him to be paid for. The plaintiff says that this particular work was not paid for. However, that may be, I find that it is not necessary to decide because of the fact, as I take it, that the services were rendered not to the corporation but to the engineer personally, and that if there is any claim it must be against the engineer personally. To make my meaning plain as to this, I point out that the engineer himself pays all his assistants and he is then paid by the township as if the work had been done by himself. Services rendered to the engineer are not, therefore, services rendered to the township and are not payable for by the township.

The result of my finding, therefore, is that if the plaintiff is entitled to recover without the production of certificates, he is entitled to recover from the defendant municipality the sum of $192.80, and in that event my order as to costs will be that the defendant should pay with that amount the costs on the County Court scale without set-off. As, however, my opinion as already expressed is that the plaintiff is not entitled to recover without production of the certificates, my order is that his action must be dismissed with costs.

The defendants will affix twelve dollars in stamps to this report, as for three days trial, same to be taxed as part of their costs. The usual thirty days stay is granted.

(IN THE HIGH COURT OF JUSTICE.)

In the matter of The Municipal Drainage Act.

MARLBOROUGH *v* NORTH GOWER.

OTTAWA, ONT., 22nd Dec., 1908.

G. F. Henderson, K.C., Drainage Referee.
G. H. Ferguson, K.C., for the plaintiff.
F. B. Proctor, for the defendant.

Where a subservient municipality fails to pay for its proportion of the cost of a drainage work as provided by the 62nd section of the Municipal Drainage Act, the initiating municipality is entitled to charge interest upon the amount, payable from the date when it should have been paid.

When interest is payable in such a case, it may be allowed at such a rate as is just under all the circumstances.

THE REFEREE: This is a dispute between the Townships of Marlborough and North Gower as to the liability of the Township of North Gower to pay interest on certain amounts which that township was required to raise by two reports served upon it at the instance of the Township of Marlborough in the early part of the winter of 1904, in connection with two drainage schemes known as the McFadden and Padden Drainage schemes.

The 62nd section of the Municipal Drainage Act provides that when the council of the subservient municipality is served as formerly provided by the Act with a copy of the report, it shall be its duty to pass a by-law, and to raise and pay over to the treasurer of the initiating municipality the sum that may be named in the report as its proper proportion of the cost of the drainage work, within four months from the date of service.

The authorities of the Township of North Gower appear to have overlooked this section of the Act, and to have been under the erroneous impression that they were not obliged to pay over their proportion of the moneys until after the completion of the work.

Mr. Ferguson has somewhat neatly put the object and intention of the Act in his statement that the initiating municipality is entitled to have in its hands within the stated period of four months, or at the expiration of that period the full amount estimated by the engineer as necessary to complete the work, and having this amount in its hands to thus be assured of its ability to construct the work.

North Gower was in default from and after the expiration of four months from the date of the service of the report, and has since that time remained in default except as to certain payments on account, which have been made from time to time.

The report in the Padden scheme was served on February 26th, 1904, and that in the McFadden scheme on January 12th, 1904, and the amount called for in each case should have been paid over within four months from the date of service.

Under the provisions of the Ontario Judicature Act, interest is chargeable in all cases in which it is payable by law, or in which it has been usual for a jury to allow it. As pointed out in the judgment of the Judicial Committee of the Privy Council in the Toronto Railway case, 1906 Appeal Cases at page 120, the latter portion of the section of the Judicature Act gives great latitude for its application. The Chief Justice of the Court of Appeal in delivering judgment in that case says that "there is no rule as to what particular rate of interest shall be imposed." It is not necessarily the legal rate, which is now five per cent., but it is for the tribunal before whom the matter comes to order such rate as it thinks is just in all the circumstances.

Finding as I do find that this is a case in which interest is payable, I have to look at the surrounding circumstances in order to ascertain at what rate the interest should fairly be fixed.

I find that the Township of Marlborough did not sell its own debentures until the month of October, 1905, prior to that time it had been financing the matter with its banker or with the banker of the engineer who made the report and to whom the township was largely indebted on that account. I refer to the sale of debentures under the Padden scheme which was the larger and more important part, that of the McFadden scheme not having been made until the month of July, 1907.

The treasurer of the Township of Marlborough says that during the whole of the period after the report was made, there was no time at which they had not borrowed more or less from the bank, except for a small space of time after the sale of their debentures, which I would take to be the latter months of the year 1905. From and after a period approximating the first of January, 1906, Marlborough appears to have felt the lack of the North Gower money which it should have had in its hands, and in that sense North Gower is responsible, in part at least, for the borrowing of Marlborough from and after that date.

The rate of interest paid by Marlborough to the bank was generally at five per cent., but latterly six per cent. I think a fair disposition of the whole matter would be to charge North Gower with interest at the savings bank rate of three per cent. up to the first of January, 1906, and with interest at the legal rate of five per cent. from and after the first day of January, 1906. Interest will of course be computed on the amounts remaining from time to time unpaid.

I am not overlooking Mr. Proctor's contention that the township council of North Gower act in this matter as trustees for the ratepayers interested within the boundaries of their own township, and that the allowance of interest in excess of the amount actually earned by the money which they had from time to time in the savings bank, would be necessarily payable out of general funds.

While I think there was a great deal of looseness about the matter, and while I think it is regrettable that the township officials of North Gower did not think it necessary to act under legal advice, I do not find that there is any such negligence

as would warrant me in imposing a burden upon the general funds of the township, except perhaps for a temporary period. I gather there will be of necessity a supplementary estimate, and any amount which the township authorities of North Gower find it necessary for the present to be provided for out of the general funds of the township, may be included in any supplementary estimate which they find it necessary to make for the purpose of paying over the deficiency which seems inevitable.

My order is, as already indicated, that the Township of North Gower must account to the Township of Marlborough for interest at the rate of three per cent. up to January 1st, 1906, and at the rate of five per cent. from and after that date, interest commencing in each case from the expiration of the four months from the dates of service, which I have already given.

The costs in this proceeding should be paid on the High Court scale, by the Township of North Gower, and may be eventually charged by that township in the event of a supplementary by-law becoming necessary against lands and roads assessed in North Gower, but in such a way that no portion of the burden shall fall upon the lands and roads in Marlborough.

The applicant, the Township of Marlborough, will affix four dollars in stamps to my report, as for one day's trial, and the same may be taxed as part of their costs.

Mr. Ferguson calls my attention to the fact that as originally launched there were two appeals. By arrangement these have been heard jointly. This order both as to rate of interest and as to costs will apply in each case.

My attention is further called to the fact that costs in an application which came before me in chambers on the 29th September, 1908, were then reserved. These will be costs in the cause.

To avoid any question in the future I should perhaps deal with the statement which has been made in evidence as to certain bridges provided for by the Padden report not having been completed. This is something which I cannot and do not deal with under this application. If there is any work which was called for by the report, and which was not completed, the Township of North Gower still has its remedy.

(IN THE COURT OF APPEAL.)

April 24th, 1909.

BANK OF OTTAWA *v.* TOWNSHIP OF ROXBOROUGH, *et al.*

(Reported in 18 O.L.R., 511.)

Section 93 of the Municipal Drainage Act, as enacted by 1 Edw. VII., ch. 30, sec. 4, deals only with cases of damages occasioned to others by reason of the construction of drainage works in the way provided for by the municipality, and does not refer to the claim of a contractor or workman to be paid for work performed; and therefore an action brought in the High Court which appears by the statement of claim to be one to enforce payment of such a claim should not be summarily dismissed on the ground that the Drainage Referee alone has jurisdiction; but the question of jurisdiction should be left for determination at the trial, when the facts are investigated; Meredith, J.A., dissenting.

Whether the point of law raised is brought up for hearing and disposal under Rule 259 or Rule 373, the party raising it must admit, for the purposes of the argument, that the pleading on which it is alleged that the question arises is true in fact; and for the purposes of the argument the allegations of the statement of defence ought not to be regarded.

Judgments of Falconbridge, C.J.K.B., and a Divisional Court, reversed.

This was an application by the plaintiffs for a judgment or order dismissing the action on the ground that the High Court had no jurisdiction to try the action, the same having been commenced by writ of summons and not in the manner prescribed by the Ontario Municipal Drainage Act and amendments thereto. The facts are stated in the judgments.

The application was heard by Falconbridge, C.J.K.B., in the Weekly Court at Ottawa, on the 25th January, 1908.

C. H. Cline, for the defendants.

W. Greene, for the plaintiffs.

January 31, 1908. FALCONBRIDGE, C.J.: By 1 Edw. VII., ch. 30, sec. 4, a new section was substituted for sec. 93 of R.S.O. 1897, ch. 226. The defendants also cite 2 Edw. VII., ch. 32, sec. 4.

There seems to be no question but that the case in its general outline is governed by Burke *v.* Township of Tilbury North (1906), 13 O.L.R. 225; and I am informed that in a like case (Barrett *v.* Cornwall) my brother Teetzel at the hearing ruled that this Court had no jurisdiction. But the plaintiffs contend that the allegations made in paragraph 15 of the statement of claim take the case out of the statute and the Rule.

Paragraph 15 is as follows: "15. The plaintiffs further charge and the fact is that the defendant corporation, notwithstanding the said several assignments and notices thereof, paid to the said firm of J. & T. Gagnon a large sum of money, to which the plaintiffs were entitled under the said assignments, to wit, the sum of $20,000 or thereabouts."

I am unable to see how paragraph 15 helps the plaintiffs. They have no higher rights than their assignors, the Gagnons, and the rights of the plaintiffs and of the Gagnons must be tried out in the proper forum. The defendants, the municipal corporation, if they have made these payments, have made them at their own peril, and, if it should appear, as the result of the proceedings before the Referee, that moneys were improperly paid in defiance of due notice, then that is something for which they may have to answer. But the claim of the Gagnons then and now must be investigated and determined in the tribunal which the legislature has appointed for the purpose.

In my opinion the action must be dismissed with costs.

The plaintiffs appealed from the judgment of Falconbridge, C.J., and their appeal was heard by a Divisional Court composed of Mulock, C.J.Ex.D., Teetzel and Clute, JJ.A., on the 26th February, 1908.

W. E. Middleton, K.C., for the plaintiffs.

C. H. Cline, for the defendants.

April 24, 1908.—The judgment of the Court was delivered by CLUTE, J.: Motion by way of appeal from the order of the Chief Justice of the King's Bench, pronounced herein on the 31st January, 1908, dismissing the plaintiffs' action, upon the ground that the plaintiffs were bound to proceed in respect of their claim before the Drainage Referee.

The plaintiffs claim, as assignees of J. & T. Gagnon, all moneys due them from the corporation of the township of Roxborough for certain drainage construction known as "the Lalonde drain."

The defendants set up in their statement of defence that the plaintiffs' claim is in respect of a claim and dispute arising between a company of individuals and the municipal corporation in connection with the construction, improvement, or maintenance of drainage works carried on under and in pursuance of the Municipal Drainage Act, and that this Court has no jurisdiction to try this action, the same having been commenced by writ of summons, and the defendants claim the benefit of the Municipal Drainage Act.

The affidavit of the plaintiffs' solicitor states, from information received from the treasurer of the township, that there is no claim which the said J. & T. Gagnon ever had against the said township which can be assigned to the plaintiffs, except claims in connection with the drainage works, and that the whole of the plaintiffs' claim herein is based upon said claims under the contracts set out in the statement of defence of the township of Roxborough in connection with the drainage schemes, which were entered into by the township under the provisions of the Ontario Municipal Drainage Act.

The manager of the Bank of Ottawa, in reply to this paragraph, states that the said paragraph is not correct or wholly correct, but, on the contrary, the plaintiffs' claim, or the most substantial claim in this action, is based upon paragraph 15 of the plaintiffs' statement of claim.

Paragraph 15 is as follows: "The plaintiffs further charge and the fact is that the defendant corporation, notwithstanding the said several assignments and notices thereof, served upon them have, contrary to the said assignments and notices thereof, paid to the said firm of J. & T. Gagnon a large sum of money to which the plaintiffs were entitled under the said assignment, to wit, the sum of $20,000 or thereabouts."

This statement does not, in my opinion, alter the status of the plaintiffs and defendants the corporation, in this action. It is not suggested that any part of this $20,000 became due and owing otherwise than under the drainage contract and for drainage work. It is not suggested even that there ever was a stated account between the contractors and the municipal corporation. The plaintiffs can occupy no better positions than the contractors. If moneys have been paid to the contractors after assignment and notice, that is a matter which the Referee can take cognizance of, having regard to the rights of all parties. Nor does it make any difference that the contractors have assigned for the benefit of creditors.

Section 93 of the Municipal Drainage Act, R.S.O. 1897, ch. 226, as amended by 1 Edw. VII., ch. 30, sec. 4, now reads: "(1) . . . Proceedings to determine claims and disputes arising between municipalities or between a company and a municipality or between individuals and a municipality, company or individual, in the construction, improvement or maintenance of any drainage work under the provisions of this Act, or consequent thereon, or by reason of negligence, or for a mandamus or an injunction, shall hereafter be made to and shall be heard or tried by the Referee only, who shall hear and determine the same and give his decision and his reason therefor."

Subsec. 2 of sec. 93 provides that "proceedings for the determination of claims and disputes . . . . shall hereafter be instituted by serving a notice claiming damages or compensation, or a mandamus or an injunction, as the case may be, upon the other party or parties concerned, and the notice shall set forth the grounds of the claim."

Subsection 3: "A copy of the notice with an affidavit of service thereof shall be filed . . . and served within two years from the time the cause of the complaint arose."

Subsec. 4 provides that "all applications under this section shall be made by notice of motion based upon affidavits filed," etc.

Subsec. 5, that "no application or proceeding within the meaning of this section shall be made or instituted otherwise than as therein provided."

Sec. 94 was repealed by sec. 5 of the amending Act, and in lieu thereof appeal is given to the Court of Appeal.

Sec. 95 provides that all damages and costs payable by a municipality and arising from proceedings taken under the Act shall be levied *pro rata* upon the lands and roads in any way assessed for the drainage work according to the assessment thereof for construction or maintenance, except as provided in subsecs. 2 and 3 of sec. 95.

Sec. 88 refers to the appointment of a referee, who shall be deemed to be an officer of the High Court. Under sec. 89 he has all the powers of an Official Referee under the Judicature Act and the Arbitration Act. Under subsec. 2 of sec. 89, in respect of all proceedings before him, he shall have the power of a judge of the High Court of Justice, including the production of books and papers, the amendment of notices of appeal, and of notices for compensation or damage, and all other notices and proceedings.

The sole question then is whether the plaintiffs' claim for any balance which may be due the plaintiffs under their assignment from the contractors for work done in the construction of the drain is within the purview of the Act. The manifest intention of the Act is that the cost of the construction of the drain shall be paid for by a tax levied upon the lands to be benefited, and this must be so, whether the construction is by day's work or under contract. If under contract, the claim, as between the municipality and the contractor, arises in respect of the construction of the drainage work, and such claim the statute provides shall hereafter be made to and shall be heard or tried by a Referee only, who, under sec. 95, shall levy the damages and costs *pro rata* upon the lands assessed for the drainage work, except in certain cases as therein provided, where he may direct that the whole or any part of such damage and cost shall be borne by such municipality and be payable out of the general funds thereof.

I do not see how it would be possible to carry out the intent and meaning of the Act if the claims for the construction of drainage works were permitted to be brought in the High Court, where a judgment might go against the municipality and be payable out of the general funds thereof. The Referee has the power under the Act to adjust all questions arising in respect of the claim.

Burke *v.* Township of Tilbury North, 13 O.L.R. 225, although not like the present case, shows the broad application of sec. 93 of the Act.

During the argument the appellants stated that they did not press the application of the unconstitutionality of this Act, and this question was not argued before us, and is not therefore dealt with in this judgment.

I think the claim of the plaintiffs falls under sec. 93, and can be heard and tried by a referee only. The appeal should be dismissed with costs.

From this judgment the plaintiffs appealed to the Court of Appeal, and their appeal was heard by Moss, C.J.O., Osler, Garrow, MacLaren and Meredith, JJ.A., on the 28th September, 1908.

W. E. Middleton, K.C., and W. Greene for the appellants. It has been held below that the action does not lie because the remedy is by proceedings before the Drainage Referee, and not by action. The bank sued the township corporation, Gagnon Bros., and their assignee for the benefit of creditors. The contract is alleged to have been completed. The whole question arises on the pleadings and on the construction of the Municipal Drainage Act, R.S.O. 1897, ch. 226, secs. 88 *et seq.*, and amendments. Section 88 deals with trial; sec. 89 with the powers of the Referee. The statutory limitation of one year is imposed by sec. 93, subsec. 3, which was amended by 1 Edw. VII., ch. 30, sec. 4, making it two years. Sec. 94 was repealed by sec. 5 of the amending Act, and a new section substituted. There is now no right in an action brought in the High Court to direct a reference to the Drainage Referee: McClure *v.* Township of Brooke (1902) 5 O.L.R. 59, sec. 93, which is the one particularly relied on, does not interfere with the contractual rights of parties. The case said to be conclusive is Burke *v.* Township of Tilbury North, 13 O.L.R. 225; but that does not really throw any light on the controversy. I refer to Wolverhampton New Waterworks Co. *v.* Hawkesford (1859), 6 C.B.N.S. 336, 356. The claim here exists apart from the statute, and that is where the line is drawn. If the statute should be construed as contended for by the defendants, it would be *ultra vires* of the Ontario Legislature; for the judges must be appointed by the Dominion Government. As I desire the statute to be construed, it is *intra vires*; but, if the other construction is correct, all the functions of a judge are given to the Drainage Referee, appointed by the Ontario Government, and that would be *ultra vires*. The Court will prefer the *intra vires* construction. See the opinion of Sir John Thompson as to the Quebec Magistrates' Courts, in Hodgins on Dominion and Provincial Legislation, p. 373 *et seq.* The defendants say in their statement of defence that the plaintiffs have been paid. The actual issues in the action are surely not such as come within the jurisdiction of the Referee, much plainer words must be used in the statute to confer so wide a jurisdiction.

C. H. Cline, for the defendants: I wish to disabuse the mind of the Court of the idea that this action is of the nature indicated by the argument. The real question is as to the non-completion of the work under the contract. No contracting powers are given to the municipality. The whole of the work comes under the statute. I rely on sec. 93, subsecs. 1 and 2. A claim of this kind comes under the very words used in these subsections. I rely on Burke *v.* Township of Tilbury North, 13 O.L.R. 225. As to the Statute of Limitations, if the plaintiffs would complete the work, they would be barred. The Court is bound by sec. 93, for the reasons given in the judgments below, and because of other provisions in the Act, e.g., sec. 89, subsec. 2, and sec. 97. As to the constitutional point, no notice has been given under sec. 60 of the Judicature Act to the Attorney-General.

MIDDLETON, in reply: The power of the Drainage Referee is the crux of the case. The jurisdiction cannot be enlarged.

May 5.—MOSS, C.J.O.: It appears to me, with deference, that it was most unfortunate that the important questions which have been raised and discussed, and which involve such serious consequences. should have been brought up, dealt with, and disposed of in the form in which they have come before the Court.

The objection raised by the defendants is to the plaintiffs' right to maintain the action in the High Court of Justice, on the ground that it has no jurisdiction to entertain it—that the sole jurisdiction is vested in another tribunal created and established under the provisions of the Municipal Drainage Act.

It does not very clearly appear whether the point of law thus raised was brought up for hearing and disposal under Rule 259 or Rule 373. It is probable that it was intended to deal with it under the former Rule, and that it was by consent of the parties set down for hearing, though that is not shown in the proceedings. But, as I understand the practice, no matter under which Rule it was brought on for hearing, the rule is the same, that, in considering the point of law raised, the party raising it must admit for the purposes of the argument that the pleading on which it is alleged the question arises is true in fact, just as under the old practice a party demurring was taken to admit the truth of the pleading demurred to. The objection taken in the statement of defence is really equivalent to a demurrer to the statement of claim: per Lord Esher, M.R., in Salamon *v.* Warner (1891) 1 Q.B. 734, at p. 735. See also per Armour, C.J., in Hollander *v.* Ffoulkes (1894), 26 O.R. 61, at p. 65.

The affidavit filed on behalf of the defendants is merely formal. It does not assume to traverse any of the allegations of fact set forth in the statement of claim, but merely expresses a belief, founded on information stated to have been received from others, that there is no claim except claims in connection with drainage contracts, and even that is called in question by the counter-affidavit filed on behalf of the plaintiffs.

For the purposes of the argument as to want of jurisdiction, the allegations of the statement of defence ought not to be regarded. Unless this were so, a defendant might support his point of law by putting upon record statements which were untrue in fact and which he would utterly fail to support by evidence at a trial. No doubt the parties might admit all the essential facts that could be proved on both sides and thus reduce the matter to a point of law, but that is not this case.

Looking, therefore, at the allegations of the statement of claim, which the plaintiffs undertake to prove, if permitted, and assuming, as for the purposes of the discussion of the point of law it should be, that they are true, I am unable to say at present that the High Court has not jurisdiction to entertain the action. The short substance of the 3rd to the 12th paragraphs, inclusive, is that, on or about certain specified times, certain persons therein named performed work or drainage construction for the defendants, and that in respect of such work large sums of money became due and payable to the said persons, and that the debts, accounts, and moneys due or owing to them by the defendants were duly transferred by the said persons to the plaintiffs, and that express notice in writing of such assignments were given to the defendants. Then follow some most material allegations, viz:—

Paragraph 13.—The said persons fully performed the said works or drainage construction, and all conditions have been fulfilled and all times elapsed whereby the said persons were entitled to be paid a large sum of money, to wit, the sum of $35,000 or thereabouts.

Paragraph 14.—The defendants, notwithstanding such assignments and notices thereof, have failed, neglected and refused to pay the plaintiffs the said sum of $35,000.

Paragraph 15.—The defendants, notwithstanding the assignments and notices thereof, have, contrary to the said assignments and notices, paid to the said persons large sums of money to which the plaintiffs were entitled under the said assignments, to wit, the sum of $20,000 or thereabouts.

The claim is for ascertainment of the amount due and owing and for payment thereof to the plaintiffs, and for a declaration that payments made after notice of the assignment are of no effect against the plaintiffs.

How can it be said that upon this statement of claim it manifestly appears that the High Court has no jurisdiction to entertain the action, and that it does so manifestly appear that the action should be summarily dismissed?

There is presented a plain, simple case of an indebtedness by the defendants assigned to the plaintiffs, the time for payment elapsed, but the defendants have not paid, and not only that, but, having in hand money payable to the plaintiffs by virtue of the assignments and notices, they have paid said moneys, to the amount of $20,000, to their original creditors, the plaintiffs' assignors.

Why should a case as is here presented be withdrawn from the High Court and relegated for adjudication to any other tribunal? The High Court is constantly engaged in dealing with claims similar in character. There is nothing to suggest the necessity of any investigation by the Drainage Referee. For all that appears, the defendants either have the necessary funds in hand or have provided for their payment by by-laws assessing the lands benefited by the works or drainage construction performed by the plaintiffs' assignors. It is shown that they had in hand moneys out of which they paid the plaintiffs' assignors $20,000 in respect of these works of drainage construction, which should have been paid to the plaintiffs.

At present this does not appear to be a case for the application of sec. 93 of the Municipal Drainage Act. That section deals only with cases of damages occasioned to others by reason of the construction of the drainage works in the way provided for by the municipality, and does not refer to the claims of contractors or workmen to be paid for work performed by them, which is the nature of the claim shown by the plaintiffs in this case.

It is impossible to foretell what may develop when the facts are investigated at the trial, but it will then be for the trial judge to deal with the case. In the meantime the plaintiffs are entitled to an opportunity of having their action tried in the forum which they have selected.

In my opinion, they should not have been deprived of that right upon a summary proceeding, and the case should have been allowed to proceed to trial in the ordinary way.

The appeal should be allowed, and there should be substituted for the order pronounced by Falconbridge, C.J., a declaration that the points of law should not now be determined, but should stand to be determined at the trial of the action. Costs throughout to the plaintiffs.

Osler, Garrow, and MacLaren, JJ.A., concurred.

MEREDITH, J.A.: I agree, entirely, with the trial Judge and the Judges of the Divisional Court in their unanimous conclusions in this case, and concur with them in the way in which such conclusions are reached; but desire to add some additional reasons which seem to me to make even plainer the necessity for the order dismissing the plaintiff's action.

The dominant question is whether the plaintiffs' claim is one of those comprised in the 93rd section of the Municipal Drainage Act. If so, all else becomes plain sailing; for, under that section in its present form, all such claims must be prosecuted in the special manner provided for in the enactment, and cannot be enforced by ordinary legal proceedings.

The action is brought to enforce payment of part of the price of the construction of a drain originated and constructed, as far as it has been, entirely under the provisions of the Act before mentioned.

The plaintiffs are assignees of the contractors for the construction of the drain, but nothing material upon this question depends upon that.

The defence is, substantially, that the contractors have not completed the work, and that there is now nothing due to them, or to the plaintiffs, in respect of it.

The issues between the parties, therefore, necessitate a long enquiry into the extent and character of the work done and of the accounts between the contractors and the defendants respecting the drain; and, if the plaintiffs should succeed, a probable readjustment of the burden which the persons and corporations whose lands are benefited by the drainage are to bear.

Such a claim seems to me to come, very plainly, within the words of the section, as well as within the purpose of the legislation, in excluding such claims from the ordinary course of litigation.

The section provides, among other things, that all claims arising between a company and a municipality in or consequent upon the construction of any drainage works under the provisions of the Act, shall be made to, and shall be tried by, the Referee only. I am unable to see any fair course by which the plaintiffs can escape from these very comprehensive and very plain words.

The purposes of the enactment, in this respect, were at least two-fold: (1) to relieve the ordinary machinery of the Courts from the clogging inconvenience and burden of the protracted trials of drainage cases, which were also a source of inconvenience, delay, and loss to ordinary litigants in the trial of their actions; and (2) to provide a simpler, more expeditious, and a better means of dealing with such questions, and with the many complications arising out of them. The advantage of a hearing before an officer specially qualified to deal with all drainage questions, who could conduct the reference at the convenience of those who were concerned in it at the most convenient place or places, and who could view the work if and whenever necessary or advisable, are obvious; and they are but a few of the intended benefits of the new system which the Act introduced.

It is to be remembered that the municipality is, in such cases, substantially but a trustee for the land owners for whose benefit the drain is constructed. That, generally, the substantial defendants in such a case as this are such land owners, for upon them generally the burden falls, a burden which must be, if it has not been already, apportioned among them according to their interests in the work, and one which becomes a charge upon their lands. It is not the simple case of making the ratepayers at large foot the bill; it would in most cases be manifestly unjust if it were.

The case, therefore, seems to me to be one plainly within the purposes of the Legislature in providing the special mode of procedure in question, and in expressly excluding the ordinary methods of enforcing claims.

Under the Act as it was upon the last revision of the statutes, the ordinary methods of procedure were not prohibited in such a case as this, as they are now, but provision was expressly made for the Court in which such an action was brought or a Judge thereof transferring or referring it to the Referee; and the invariable practice was, and for some time before had been, to so refer all such cases: See Sage *v.* Township of West Oxford (1892), 22 O.R. 678.

The Act in that shape was not certain or satisfactory, but was made so, and at the same time quite logical, by the amendments of it made in the year 1901—1 Edw. VII., ch. 30 (*o*)—under which the section regarding the mode of procedure was made imperative; the section providing for a transfer from, or reference by, a Court was repealed; and the purposes of the enactment given full effect to and all doubt-

ful questions eliminated. No substantial injustice was done by the omisson of any means of transferring an action improperly brought in any of the Courts to the Referee, for nothing would be gained by that, nothing lost by beginning before the Referee after being dismissed from the Court; no costs would be saved, for nothing done in Court would save any of the simpler matters of procedure before the Referee; the costs in the Court would in every case have been wholly wasted, whilst an excuse might be afforded for seeking the luxury of an action wholly unnecessary and which ought to be inexcusable.

But the chief incongruity of the Act, as it was, lay in the fact that it limited the time in which proceedings might be taken before a Referee, but made no limitation of the time within which an action might be brought; and so it may have been that when a claim was barred by lapse of time if made in the proper way, it might be yet enforced by merely adopting the expedient of bringing an action and having the action transferred or referred. That was very properly cured in the amendments of 1901, and at the same time the limitation was extended from one to two years. The propriety of such a limitation is obvious, having regard to the complicated interests concerned and to the fact that the lands benefited often change hands, so that a purchaser in good faith without notice might some day find his lands incumbered by a belated charge against which there was no reasonable means of guarding.

The Act as it now stands is, therefore, consistent, clear, and logical, as well as reasonable.

The question of jurisdiction has, I think, been very properly raised, by the parties, at an early stage in the action; because there can be no possible gain by the delay and expense of going down to trial of it. There has hitherto been no suggestion that that question cannot be as well considered now as at the trial; on the contrary, the case has been carried all the way up to this Court, with the concurrence of all parties, on the assumption that it could.

To say that the statement of claim only can be looked at, and its allegations alone taken into consideration, it seems to me to involve a misconception of the case. The nature of the action must be the criterion; and its character is made very plain by the pleadings and the undisputable facts. The plaintiffs have no higher rights, under the contract, than their assignors had. They allege that the work is completed and that the price is due; that is denied: and the main contest turns upon that issue. To ignore the obvious facts will not aid any interests. If the action is vexatious, it ought not to be permitted to go further: Rule 261. Whether vexatious or not does not depend upon the statement of claim alone, but upon the whole circumstances, which may and ought to be proved upon the motion. But, if not vexatious, there is plainly a preliminary question of law involved, going to the root of the whole action, which question all interests require to be determined at as early a stage of the action as possible; and the facts material to that question may be made to appear "from the pleadings or otherwise": Rule 373.

I would dismiss the appeal.

Appeal allowed; Meredith, J.A., dissenting.

(IN THE HIGH COURT OF JUSTICE.)

In the Matter of the Municipal Drainage Act.

PAYNE v. THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF WOLFORD.

Brockville, Ont., 19th Nov., 1909.

G. F. Henderson, K.C., Drainage Referee.
A. E. Fripp, K.C., and T. K. Allen, for plaintiff.
J. A. Hutcheson, K.C., for defendant.

A contract for the construction of a drainage work required the work to be done to the satisfaction, and subject to the approval of the engineer in charge, and also to the satisfaction of any commissioner who might be appointed by the municipal corporation to supervise the performance of the work on behalf of the corporation. Commissioners were appointed but did not act in manner as required by the statute.

The engineer in charge certified to completion to his satisfaction.

Held, that the contractor was entitled to recover without any certificate of the approval of the commissioners, there being no evidence of fraud on the part of the engineer or collusion between him and the contractor.

THE REFEREE: By agreement, bearing date the 29th day of June, 1907, the plaintiff, James Payne, entered into a contract with the defendant corporation for the construction of the drainage work in the townships of Wolford and Oxford, known as the Henry Bickford drain.

The work was to be done by the plaintiff for the bulk sum of four thousand dollars ($4,000.00) which was to be paid in monthly payments on estimates of the engineer-in-charge with a draw back of 20 per cent., the provision as to final payment being that it should be made at the expiration of thirty days from the completion of the work according to the final certificate of the engineer-in-charge, together with the certificate of any commissioner or commissioners who might be appointed by the corporation, expressing their satisfaction with the work, and their approval of same.

According to another portion of the agreement the plaintiff undertook to do all the work under the direction of the engineer-in-charge during the progress, and also to the satisfaction and subject to the approval of the engineer-in-charge and also to the satisfaction of any commissioner or commissioners who might be appointed by the corporation to supervise the performance of the work on behalf of the Corporation.

As I view the matter a great deal turns upon the proper functions of the commissioners named in the contract.

As a matter of fact, two parties, the reeve for the time being and the clerk for the time being, were appointed by the municipal council to act as commissioners under this contract. The reeve for the first year has not been called, nor is it apparent that he did anything as a commissioner in respect of this contract.

The reeve for the latter year and the clerk who was in office during each of the years in question are called, and they say that their understanding of their duty as commissioners was, that they were to go to the work only when asked to go by either the township council or the engineer, and that when so going they were

to assist the engineer in such checking up of the work as might be necessary for the purpose of enabling him to give an estimate as called for by the contract.

That is not the usual understanding of the functions of the commissioner under a contract such as that in question.

The contract is a very usual one in this part of the Province of Ontario, and the object of appointing a commissioner is usually with a view to economy to enable the visits of the engineer, who is usually an expensive man, to the work to be as rare as circumstances will permit.

It is desirable that there should be some one or more persons available as representing the engineer from time to time, who may be called upon by the contractor for directions as to matters of detail in the absence of the engineer, and who may generally supervise the work on behalf of the corporation in the absence of the engineer.

If the engineer could be present from day to day there would be no object in the world in having one or more commissioners, at the same time it would be quite absurd that laymen acting as commissioners should be able to sit as a Court of Appeal from the judgment of the engineer in matters requiring the skill which the engineer possesses and which they do not possess.

Unless they are to assist the engineer or supplement the work of the engineer in some way, there is no object in having commissioners, there is no object in having commissioners merely to go with the engineer and to act as rodmen or chainmen when he is measuring up work, and that is apparently, as far as I can gather, all that these commissioners thought to be their duty.

Nowhere during the course of the work, unless possibly on one occasion referred to by the reeve, did they at any time give expression to any quasi judicial expression of opinion as to the manner in which the work was being carried on, nowhere did they, during the whole progress of the work do anything, that I can gather, such as is usually done by commissioners in a contract such as this.

The contract provides that at the close of the work, as precedent to payment, the contractor shall have the certificate of the engineer-in-charge, and also a certificate of the commissioners, that the work has been done to their satisfaction.

Working the matter out in the ordinary way there is no difficulty in a contractor obtaining each of these certificates. Had the commissioners been there from time to time supervising the work in the proper sense of the word, they would have known from day to day, and when I say from day to day, I do not mean that they should necessarily be there every day, but they would have known from time to time whether or not the work was being done to their satisfaction, and in the manner as directed by the engineer, either to the contractor himself or through them. Had the work not been so done, they would naturally have informed the contractor, and he would have been able to make the necessary corrections in his work from time to time as he went along. At the close of the work in ordinary practice the commissioners are satisfied because everything they have required to be done during the course of the work has been done, and they so certify. The engineer, on the other hand, has other duties to perform. He has to apply the scientific knowledge which is necessary to measure up the work and to certify whether or not it has been done according to the plans and specifications.

In this case the engineer-in-charge was Mr. S. B. Code. His certificate, marked Exhibit 4 on the trial, and bearing date the 22nd of August, 1908, says that he has carefully levelled and examined the contractor's work and finds the drain all down to grade and the work of the ditch finished, as far as he can see.

Stress is laid by defendant's counsel in argument, on the closing words of the certificate, but applying to it the evidence of Mr. Code himself when he was in the box I can see no reason to give these words any effect, other than the mere form of speech which he adopted for the moment, for no particular reason.

I find that it is in fact a certificate that the work has been finally completed as required by the contract, and, so far as the certificate of the engineer is concerned, the plaintiff has complied with the requirements of the contract, unless it be in the fact as argued by defendant's counsel that I should find by the evidence that Mr. Code disqualified himself from certifying by reason of legal fraud.

The only evidence on which I am asked to base that finding is the evidence of Mr. Moore, that the work is very seriously deficient, that it was not in fact finally completed, and that the deficiency was so serious that I should come to the conclusion that Mr. Code himself must have known that it was not finished, and on that account I am asked to find that he was guilty of collusion.

I am not aware of any theory by which a certificate could be held not binding on the defendant corporation, unless the theory of collusion, or legal fraud as it is sometimes called, but that must be collusion with the contractor, and unless the contractor was cognizant of it, even assuming for the moment that all that Mr. Moore said was correct, and all that Mr. Code said in that regard was incorrect, it could not be collusion so as to void a certificate unless the plaintiff was a party to it. The plaintiff was entitled to get a certificate, and more than that he does not guarantee the skill of the engineer, he does not guarantee that the engineer is not going to be negligent in the work.

I find no evidence here upon which to base a finding for anything else but negligence, nor do I find it even necessary to pass upon that feature of the case, even although it were as Mr. Moore alleges; there is nothing to show that the plaintiff was in any way a party to fraud again, and therefore the certificate must remain binding on the defendant corporation.

Then, as to the necessity for a certificate from the commissioners. Counsel for the plaintiff contends that in the first place it is not necessary that they should obtain a certificate of the commissioners because they never acted in the proper sense of commissioners, but if it were necessary he has produced a document marked Exhibit 9, which has the effect of a necessary certificate.

For the reasons which I have already intimated, I am of the opinion that these men never acted as commissioners in the proper sense of the term, and were never in a position to give a certificate which would be properly binding upon the plaintiff in the event of it being adverse.

I do not think they had sufficient knowledge of the work, in so far as commissioners require knowledge, to enable them to certify anything about the work.

The commissioners should have been on the ground, not necessarily from day to day or every day, but with such frequency as to enable them to fill in the gaps in the knowledge of the engineer. These men were not on the ground, they were only there once or twice, there is nothing to show that they made the kind of examination necessary to enable them to speak as to whether the work was properly done or not.

I do not for one moment question their honesty in fact or honesty in intention, but I regret to say that they simply have an entire misconception of their duties as commissioners, and they were not in a position to certify one way or another, as to whether the work was complete.

That that is the case is evident from the undoubted fact that before they took any definite position they called in Mr. Moore and had him subsequently make a report, and it is on the strength of his report that they claim the right now to withhold their expression of satisfaction.

They have no right to act upon information received from any one other than themselves. They were bound to act upon information which they received from time to time in the course of their actual attendance on the work. They were not in a position to certify in one way or another, and because of that fact, and because of the fact that they did not properly conceive of their duties as commissioners I am of opinion that they disqualified themselves from certifying, and that the plaintiff is entitled to succeed without the production of a certificate from them.

If, however, I am wrong in that I take it that the letter which they signed in Mr. Baker's office on the 3rd of October, and which is marked Exhibit 9 on the trial, is a sufficient statement of their satisfaction, to take the place of any more formal certificate.

The defendants contend that it is not a certificate in the proper sense of the term, on the ground that it was obtained from them by Mr. Baker acting as solicitor for the plaintiff, under a mistake of fact, I presume it was.

They signed the document and they cannot get away from it except on the ground of mistake of fact, and I am not aware of any mis-statement of fact made to them by Mr. Baker.

The only mis-statement which Mr. Baker is alleged to have made, is the statement that the township was bound by the certificate of the engineer. That is a statement of law and not a statement of fact.

They cannot get away from any liability to the plaintiff for the work done because of a mistake of law, and I think I am right in stating, as I have stated, that there is no contention that they signed it under a mistake of fact. I am giving them the benefit of every doubt, they are business men, one is Reeve of the Township and the other has been Clerk of the Township for many years, and is a general merchant. The incident is a remarkable one if they really mean all they say, but I am inclined to think, and in doing so I again repeat that I do not doubt the honesty of these witnesses for a moment, that when they gave this certificate they themselves thought that if the engineer had given a certificate, that settled it, otherwise I cannot conceive how as rational beings they signed that document. They surely could not have been stampeded out of their senses so as not to realize what they were doing.

It is a deliberate undertaking that the council will pay the plaintiff's claim by a certain date. I must assume that they knew what they were signing. I cannot assume that they were mis-led by Mr. Baker, who is an astute solicitor.

The only suggestion is that Mr. Baker made to them a statement of law, which I am inclined to think under the circumstances is a correct statement of law. Therefore I feel that I must agree with Mr. Fripp in his contention, that if a certificate is necessary they have it.

I am more ready in coming to this conclusion because of the fact that the evidence of the plaintiff in the box and his demeanour satisfied me that he was a man of perfectly honest intent.

The deficiencies that are spoken of, assuming that they actually exist, the deficiency in grade and the deficiency in width, are deficiencies which could have been corrected at the time the work was being done for a very trifling expenditure of

energy, and practically no particular expenditure of money, assuming that the work was done as this class of work is ordinarily done.

I am perfectly satisfied, and I find it as a fact that the plaintiff honestly believed that he had done the work in accordance with the contract. If he was wrong in that belief, had the commissioners been on the work, or had the engineer been on the work with reasonable frequency, and I find that neither engineer was on this work with reasonable frequency, so there was all the more reason for commissioners being there, but had either commissioners or engineers been there, and the plaintiff's attention been called to the shortage when he was working there, the plaintiff no doubt would have remedied them, so if any one is to blame for any deficiency, morally speaking, the plaintiff is not to blame, and I am all the more comforted because of that, as to the result of my judgment.

The plaintiff, therefore, is entitled to recover the balance of his original contract price, the sum of $820.00. I cannot find that he is entitled to recover any of the other items of his claim, because these are all for extra work with the exception of the last two small items, and the contract provides that he cannot recover for extra work, without the certificate of the engineer, and he has no such certificate.

The last two items were practically abandoned, but if the plaintiff is entitled to any payment for these, his claim must be against the persons for whom he performed the services.

In the result the plaintiff is entitled to recover the sum of $820.00, which under the law, as I understand it, settled in the Toronto Railway case, must bear interest from the date of the interview with Mr. Baker, the 3rd of October, 1908, at the legal rate of five per cent.

The plaintiff is entitled to his costs on the High Court scale, and the costs of the township shall be taxed as between solicitor and client, and all damages for costs charged up against the drainage scheme.

The plaintiff will affix $8.00 in stamps, as and for two days' hearing.

There will be a stay of thirty days.

Re Township of Huntley and Township of March.

Nov. 22nd, 1909.

(Reported in 1 O.W.N. 190.)

The mere size of the area to be drained is of little consequence in considering whether or not an assessment for outlet liability is proper.

The fact that an engineer entrusted with the work of prepartion of a drainage scheme hears and considers objections of another engineer employed by another interested township and modifies his original scheme after consideration of these objections is of no consequence, if the fact is that the ultimate result was the personal judgment of the engineer in charge.

Appeal by the corporation of the Township of Huntley against the judgment of a Drainage Referee confirming (with a variation) the report and assessment of an engineer made under the provisions of sec. 3 of the Municipal Drainage Act.

The proceedings were begun by a petition to the council of the Township of March praying that, in order to drain a described area in that township, the Carp river, which commences in the township of Nepean, flows northerly through the townships of Goulbourne, March, Huntley and Flynn, and finally empties into the Ottawa river, might be deepened and improved.

The petition was referred to a civil engineer, who prepared a report, plans, specifications, and an assessment of the lands in the townships of Nepean, Goulbourne, March and Huntley, and in the villages of Stittsville and Carp, which, in his opinion, would be benefited by the proposed work.

The corporations of the townships of Goulbourne and Huntley both appealed to the Drainage Referee, who dismissed Huntley's appeal, and in part allowed the other.

Huntley now appealed to the Court of Appeal.

The appeal was heard by Moss, C.J.O., Osler, Garrow, MacLaren and Meredith, JJ.A.

E. D. Armour, K.C., and W. J. Kidd, for the appellants.

F. B. Proctor and A. H. Armstrong, for the respondents.

The judgment of the Court was delivered by GARROW, J.A., who, after setting out the facts, said: The river as it is, with its slight fall, is no longer efficient to carry away and dispose of the waters which, by nature, and artificially by means of drains, come to it, without backing up and overflowing, and thereby causing injury to the low lands up stream in Huntley and March. The drainage area to the east of the township of Huntley is very narrow and is of little consequence, but to the west the land slopes for several miles towards the river, which is the natural outlet for the drainage of the last mentioned area, either directly or by means of several smaller streams or watercourses which, passing through the area, empty into the river. These streams . . . have sufficient fall and current to carry to the river the drainage waters which, by means of the various drains which have been constructed along their several courses, fall into them, and no difficulty arises until the river is reached.

Acting upon the impression that the drainage, directly and through the medium of these streams, is not carried to a sufficient or satisfactory outlet, the engineer assessed the lands in the last mentioned area using these streams for their immediate outlet, for outlet liability, while other low lands in the township were also assessed for benefit.

The real difficulty of the case grows out of the circumstances of the lands so assessed for outlet, the contention being that, as they are comparatively high lands, they have already a sufficient outlet, and do not need and will not use the proposed new outlet.

The mere size of the area is of little consequence in considering whether or not the assessment is one which might lawfully be made. Drainage water must go not merely to an outlet by means of which it satisfactorily escapes from the lands which are being drained, but to a "sufficient outlet," which as defined in sec. 2, subsec. 10, means the "safe discharge of water at a point where it will do no injury to lands and roads." And sec. 3, subsec. 4, as it now stands, shows that it is not sufficient in order to escape from liability simply to show that the first discharge was into a "swale, ravine, creek or watercourse." See Young *v.* Tucker, 26 A.R. 162; Township of Orford *v.* Township of Howard, 27 A.R. 223; *Re* Township of Elma and Township of Wallace, 2 O.W.R. 198.

There must, of course . . . appear to be a reasonable connection between the source of the injurious water and the outlet in question, and if such connection is established, the legal right to assess under the statute, however large the area, seems to follow.

The question, therefore, is largely one of fact, and is to be passed upon in the first instance by the engineer, necessarily an expert, and who, using his expert skill and experience, determines not only how the proposed work is to be done, but also what lands will benefit by it, and should therefore be assessed for its cost.

His conclusion may, of course, be called in question by an appeal, but, in my opinion, his results ought not to be disturbed, unless it is satisfactorily proved that they are erroneous in fact or that he proceeded illegally . . . He found, as a fact, that these so-called high lands, which drain directly into the lateral streams, contribute a substantial part to the injury complained of, that the river is, therefore, in its present condition, not a sufficient outlet for the drainage which comes to it from such lands, as well as from the other lands also entitled to drain into it; and he, therefore, as I think he might, assessed them for the proposed improved outlet . . . .

In my opinion, no illegality of any kind appears in the procedure of the engineer; and there is nothing in the evidence to justify disturbing his assessments for outlet or otherwise in the township of Huntley. . . . .

Appeal dismissed with costs.

(DIVISIONAL COURT.)

December 11th, 1909.

Re Moore and Township of March.

(Reported in 20 O.L.R. 67.)

Where a County Court Judge, acting under 3 Edw. VII, ch. 22, sec. 4 (*o*), audits the charges of an engineer or surveyer employed or appointed under the Municipal Drainage Act, there is no appeal, by virtue of 9 Edw. VII, ch. 46 (*o*) or otherwise, from his allowance or disallowance of charges upon such audit; Clute J., dissenting.

Appeal by J. H. Moore from a certificate of the Judge of the County Court of Carleton, dated the 28th May, 1909, whereby he certified that he had disallowed $896 of Moore's account against the corporation of the Township of March for work performed by him as engineer under the provisions of the Municipal Drainage Act, R.S.O. 1897, ch. 226. The total amount of the account was $3,189.74, and it was audited in pursuance of sec. 4 of an Act to amend the Municipal Drainage Act, 3 Edw. VII, ch. 22, by the County Court Judge, who certified that, in his opinion, Moore was entitled to be paid $2,293.74, and that he had disallowed charges to the amount of $896 as being unreasonable. The County Court Judge gave reasons in writing for his finding, from which it appeared that the main ground for disallowing the charges in question was that the engineer had charged for the services of certain persons, to whom he had delegated parts of the work, a larger sum than he had actually paid these persons: See Moore *v* Township of March (1909), 13 O.W.N. 692; *Re* Moore *v.* Township of March (1909), 1 O.W.N. 206.

Leave was given to Moore by the County Court Judge to appeal from his decision and the appeal came on for hearing before a Divisional Court composed of Mulock, C.J., Ex. D., Clute and Riddell, JJ., on the 29th September, 1909.

A. H. Armstrong, for the township corporation, objected that the court had no jurisdiction to entertain the appeal, on the ground that the certificate of the County

Court Judge was not appealable under the Judges' Orders Enforcement Act, 9 Edw. VII, ch. 46 (*o*), nor under any other Act or practice.

Featherston Aylesworth, for the appellant, contended that an appeal lay from the County Court Judge as *persona designata* under sec. 2 of 9 Edw. VII, ch. 46, special leave having been given, as provided by sec 4.*

At the conclusion of the argument of this objection, judgment was given thereon, and an order pronounced quashing the appeal without costs; Clute, J., dissenting.

Written reasons were afterwards given as follows:

December 11. RIDDELL, J.: By the Ontario Statute of 1903, 3 Edward VII, ch. 22, sec. 4, it is provided that any engineer or surveyor employed or appointed under the Municipal Drainage Act shall send in his account; that the account upon request is to be audited by the County Judge free of charge; and that "the County Judge shall audit the account and may disallow any charges which he may deem unreasonable . . . and the amount disallowed shall not be recoverable by the engineer or surveyor."

The appellant was appointed by the Township of March, and sent in his account, which was audited by the County Judge of Carleton; he disallowed a very large part of the account, proceeding, as I think, upon a wrong principle. I may say that, had I been auditing this account, the amounts disallowed would have been of a trifling character.

The learned County Court Judge gave special leave to appeal; and an appeal was brought on before the Divisional Court under the provisions of the Act of 1909, 9 Edw. VII, ch. 46, secs. 2, 4.

Objection was taken that an appeal does not lie under this or any other Act or practice. It is admitted that, unless the proceeding can be brought within the Act of 1909, the appeal cannot be heard.

I think the objection is a valid one.

The Judge is, no doubt, given here jurisdiction as *persona designata,* but the method in which this jurisdiction is to be exercised is prescribed: (1) the bill is to be filed with the clerk, with all requisite details; (2) the clerk is to deliver the account to the County Judge; (3) the County Judge is to appoint a time and place at which he will proceed with the audit; (4) the clerk is to give at least two days' notice of the audit to the engineer and the head of the municipality; (5) at the time and place fixed the County Judge shall audit the account, being given the power to disallow any charges which he may deem unreasonable (not which are unreasonable in fact or in the opinion of some other judge or tribunal); and (6) he shall certify to the amount to which, in his opinion (not the opinion of some one else), the surveyor is entitled.

The statute does not, in my opinion, apply; it is not a case in which "jurisdiction is given to a judge as *persona designata,* and no other mode of exercising it is prescribed."

Much as I regret the result, it is, in my view, inevitable—the Legislature has, in effect, determined that an engineer or surveyor employed under the Act is to be paid not what his services are worth, but what the County Judge thinks they are worth.

The appeal must be quashed.

MULOCK, C.J.: I agree.

* The provisions of the Act are set out in the judgment of Clute, J.

CLUTE, J.: A preliminary objection was taken, that an appeal does not lie from the audit made by a County Judge under 3 Edw. VII, ch. 22, sec. 4. That Act provides that the account of the engineer and surveyor employed under the Municipal Drainage Act shall, upon request of the municipal council, be audited by the County Judge.

I express no opinion as to the sum disallowed, but deal exclusively with the preliminary objection.

Under 9 Edw. VII, ch. 46, being an Act respecting the Enforcement of Judges' Orders in matters not in Court, it is provided that where jurisdiction is given to a judge as *persona designata,* and no other mode of exercising it is prescribed, he shall have jurisdiction as a judge of the court to which he belongs, and the same jurisdiction for enforcing his orders, as to proceedings generally, as to costs and otherwise, as in matters under his ordinary jurisdiction as a judge of such court. Sec. 3, subsec. 1, provides for filing the order; subsec. 2 declares that upon an order being so filed it shall become an order of the court, and may be enforced in the same manner and by the like process as if the order had been made by such court. Subsec. 4 provides that the order shall be entered in the same manner as a judgment of the court in which the order is so filed. Sec. 4 provides that there shall be no appeal from such order unless an appeal is expressly authorized by the statute giving the jurisdiction or unless special leave is granted by the judge making the order or by a judge of the High Court, in which case the appeal shall be to a Divisional Court of the High Court whose decision shall be final.

This is an enabling statute, and should receive a liberal construction. It expressly applies to the enforcing of judges' orders in matters not in court, and provides for cases where jurisdiction is given to a judge as *persona designata,* and no other mode of exercising it is prescribed.

Here it is clear that under sec. 4 of ch. 22, 3 Edw. VII, above quoted, the County Judge is *persona designata,* and there is no other mode of exercising his duty as auditor except that given by the Act to him as County Judge. The action of the judge who makes the audit is in effect to order that the claimant shall not be entitled to recover the amount which he disallows, and he is directed to certify the amount to which, in his opinion, the engineer is entitled, and the amount disallowed shall not be recoverable by the engineer. His certificate is binding upon the parties, and is in effect an order.

It is clear to my mind that the intention of the Legislature was that in such a case there should be an appeal. In short, that the Act was passed expressly to cover cases of this kind. It could never have been intended, I think, that jurisdiction should have been given to the County Judge to deal with a claim not within the jurisdiction of the County Court, and that he should have power to finally deprive the claimant of a large portion of his claim, without the claimant having the opportunity or right to have the matter litigated, and without appeal.

In my opinion, this court has jurisdiction to hear the appeal. The majority of the court taking the view that an appeal does not lie, it is not necessary for me to deal with the merits of the appeal.

(IN THE HIGH COURT OF JUSTICE.)

In the matter of the Van Camp Drainage Scheme.

SOUTH GOWER *v* MOUNTAIN, OXFORD AND EDWARDSBURGH.

CORNWALL, ONT., 21st Dec., 1909.

G. F. Henderson, K.C., Drainage Referee.
J. A. Hutcheson, K.C., counsel for appellant.
W. B. Lawson, counsel for Mountain.
G. E. Kidd, K.C., counsel for Oxford and Edwardsburgh.

A petition for a drainage work must describe a real drainage basin, and the omission from the area, of any lands naturally belonging to such a basin is fatal to its sufficiency.

Where an engineer has in error assessed as for injuring liability instead of for outlet liability, the referee may, with consent of the engineer, amend the report by placing the assessment under its proper qualification.

Where a stream is being improved for the purpose of giving sufficient outlets to several drainage schemes of which the outlets are at present insufficient, the assessment upon lands contributory to such drainage schemes is properly assessed as for outlet liability and not for injuring liability.

THE REFEREE: Although the notice of appeal in this matter covers a large number of grounds, counsel for the appellant at the opening of the case limited the practical effect of these to three grounds in all: first, as to the sufficiency and legality of the petition and the drainage area described in it; secondly, as to the legality and the amount of the assessment of the appellant township in respect of injuring liability; and thirdly, as to the legality of the charging against the scheme certain expenses incurred in connection with a former report which was set aside by the late Mr. Rankin, as Drainage Referee.

There is no question whatever on the evidence but that the lands described in the drainage area are seriously in need of drainage, and that that condition of affairs is largely attributable to the excessive quantity of water brought down through the natural water course known as the Van Camp Creek, having been already brought to that water course by means of artificial drainage works in the townships which now appeal.

As I understand the evidence there has been no improvement of the Van Camp Creek itself, the artificial work being done in streams tributary to the Van Camp stream through the up-lying lands.

There is not very much conflict between the engineer who made the report and the engineers who were called on behalf of the appellants, because of the fact that the engineers who were called on behalf of the appellants laboured under the serious difficulty of having to do the work which they did do, or making the examinations which they did make, within a very limited time, whereas the engineer who made the report, as very fairly and properly, I think, pointed out by Mr. Brown, appears to have examined the up-lying lands with, perhaps, more than the usual care, as is evidenced by the large number of plans which accompany his report and by the character of the report itself.

On that account I must accept the evidence of the engineer who made the report in preference to that of the engineers called on behalf of the appellants, in so far as it is a matter of opinion, and the engineers called on behalf of the appellants stated that it was altogether a matter of opinion. With this preface, I can take up the different grounds of appeal.

The first is, as to the petition, which describes four lots in the 5th concession of the Township of Mountain with the roads tributary to those lots. One of those roads, that lying between the 5th and 6th concessions in that township is an unopened road allowance, what some of the witnesses called a blind road, one that has no existence except on a map.

A short distance north of that road allowance and running approximately parallel to it is the embankment upon which the Canadian Pacific Railway Company has its tracks.

There is a general trend of water for the area, not described in the petition, north-easterly, crossing the place where the concession road is laid out on the plan and finding its way under the tracks of the Canadian Pacific Railway Company. That fact alone would indicate that there is no appreciable difference between the lands in the 6th concession lying between the track of the Canadian Pacific Railway and the concession line, and the lands in the 5th concession in the area described in the petition, and that condition of affairs being called to my attention I was at first very strongly inclined to the opinion that there was not a properly described drainage area, that for some reason, which at first I found it difficult to understand, the lands in the 6th concession had been deliberately put to one side when the petition was prepared, probably with a view to making it much more easy to obtain the majority required by the Act.

That impression was strengthened by the fact which appeared in evidence that these lands in the 6th concession had been described in a former petition, probably gotten up by the same parties.

I am satisfied from the evidence that were it not for the construction of a ditch along the southerly side of the Canadian Pacific Railway, these lands would all be within the same drainage basin, and would of necessity be included in the area described in a petition in order to make that petition a sufficient petition within the Act, adopting in that the reasons which I gave in the case of Duame *v.* Finch, reported in 12 Ontario Weekly Reporter, page 144. Even now I have much doubt, adhering as I do to the rule laid down in that case, whether or not the petition now in question is a sufficient petition.

However, the parties who are asking for this drainage have a large amount of land which seriously requires drainage, their experience up to the present has been an unfortunate one and altogether their position is one that naturally elicits one's sympathy, and I feel that I am doing what is only right in giving to them the benefit of the doubt which is in my mind.

While, therefore, I say I am in some doubt, the doubt is not sufficiently strong to force me to declare against the sufficiency of the petition because of the fact that there is, as the evidence shows, a very large drain, some thirty feet or more in width, and a depth averaging probably five feet along the southerly bank of the Canadian Pacific Railway opposite the lands in question in the 6th concession.

The evidence is not altogether clear as to when that drain was constructed. It was apparently constructed about the time this petition was prepared, and because of several incidents which cropped out in the course of the giving of the evidence, and which have satisfied me that the parties who prepared this petition acted in

good faith, these incidents having entirely removed from my mind the impression I had that they had not acted in good faith; because of that I feel forced to believe on the evidence as a whole that in getting up the later petition the parties had in view the construction of that railway drain, if it was not already constructed, the effect of that construction is to give drainage to a large portion at all events of the lands in the 6th concession, the evidence is silent as to whether or not they have permission from the Canadian Pacific Railway Company to use it. The drain itself, by its ordinary connection, would drain a considerable portion of their lands without lateral drains. If the owners of the lands in the 6th concession had the right to dig lateral drains into it they could, no doubt, on the evidence, and I find as a fact on the evidence they could drain the whole of their lands into the railway drain.

On that account I am satisfied that their position is changed to-day at all events from the position in which they were when the former petition was gotten up, and that because of that it is proper that the drainage area should stop at the concession line. In that way, although with some doubt, I have brought myself to believe that the petition for the work does fairly and honestly describe a proper drainage area within the meaning of the Act.

As far as the area described is concerned there is an undoubted majority. If it is necessary to take in the lands in the 6th concession which are not as a matter of fact described in the petition, and if they had been described in the petition there would still be a bare majority of one.

Mr. Hutcheson argues with some force that a Mr. Wallace whose name appears on the last revised assessment roll is owner of part of lot 6 in the 6th concession, and who I find on the evidence to be in fact the owner of part of lot 9 in the 6th concession, the entry in the assessment roll of lot 6 instead of lot 9 being as a fact on the evidence a clerical error merely, Mr. Hutcheson argues, I say, that if Mr. Wallace were counted, there would not be the necessary majority of the whole. That would be the case, but as a matter of law I hold that the last revised assessment roll must govern, even although there is what I find a clerical error in it. A correction of a clerical error is for the Court of Revision, and something with which I have nothing to do.

With these reasons I cannot agree that the appellants should succeed on the ground of insufficiency or illegality of the petition in the area described in it.

Passing over for the moment the second ground of the appeal I can dispose of the third ground, that is, the charge that the expenses formerly incurred in the scheme which was set aside are improperly charged in the present report, by pointing out that the evidence is that not all of these expenses are so charged, but only such as really give value to the drainage scheme and in my opinion come within the rule laid down in the case of Elizabethtown *v.* Augusta, 32 S.C.R., page 295.

Then as to the second ground on the question of the legality of amount of assessment. I will reverse the order and first deal with the amount.

I have already pointed out that the engineers who gave evidence on behalf of the appellants are at very great disadvantage as against the engineer who made the report in question. All are men of good standing and men who are properly qualified to give the opinions which they have given, and whose opinions would probably carry equal weight with me if their opportunities for giving the opinions were equal, but as I have said Mr. Moore had an enormous advantage over the other engineers. It is purely a question of opinion. Mr. Moore was sworn to do his duty under the Act. He no doubt did it with complete honesty of purpose. After making

the unusually thorough examination which he did make, and applying a principle of assessment which he has explained in the evidence, and which I am satisfied is in accordance with the provisions of the Act, he came to the conclusion that the upper lands should be assessed, roughly speaking, in the proportion of one to three. At first blush that would strike one as being very fair. The low-lying lands have to suffer the damage caused by water which comes to them in a state of nature.

Speaking now apart from any question as to whether it was properly injuring liability or outlet liability, the low-lying lands are not subjected to severe injury from water sent down to them in the manner covered by the Act, by the upper lands. Assuming for the moment that there is a legal liability on the part of the upper lands, the upper lands must be assessed because of the work which is necessary to carry on, in such a way as to prevent a further recurrence of damage, the water sent down by the upper lands to the extent that the upper lands contribute that water.

Mr. Moore having gone into the matter carefully has divided the cost of the expense in the proportion of the natural burden and the burden caused by artificial work in the lands above in the proportion of three to one. He adheres to the opinion that what he did is proper and I must accept his opinion in preference to the opinion of the engineers called on behalf of the appellants.

That leaves only the question as to whether the assessment is legally made against the upper townships which are appealing. It is an assessment for injuring liability from the artificial works in the upper townships which conduct the water to the Van Camp Creek, and the Van Camp Creek brings it down on to the low lying lands described in the petition. That is not, in my opinion, injuring liability, and without elaborating the subject I can refer simply to the very excellent description of the history of the section of the Act which refers to injuring liability, and to the case law arising out of that section, which will be found in Mr. Proctor's work on page 36 and the following pages. I approve entirely of what Mr. Proctor says, in so far as it is a matter of opinion, and for the reasons which he there elaborates, I am of the opinion that this is not properly injuring liability. However, under the authority of the case of *re* Rochester *v.* Mersea, 26 Appeal Reports at page 480, I have the authority, with the consent of the engineer who made the report, to amend the report by placing the assessment under the classification of outlet liability instead of injuring liability.

As I have already pointed out this is in my opinion an honestly initiated drainage scheme: parties need the relief and they should have it, if I can conscientiously give them the opportunity of having it. I, therefore, feel that if this is properly outlet liability my duty is, with the consent of the engineer, which I understand the engineer is ready to give, to make the necessary amendment to this report so as to enable the scheme to proceed. Had it not been for the recent case of Huntley *v.* March, 14 O.W.R., page 1033, I would have been in some doubt as to whether this could properly be called outlet liability, but without elaborating the facts further, and having very clearly in my mind the facts of the case in Huntley *v.* March as well as the facts in this case, I am satisfied they are practically the same. Here, as there we find water being brought by artificial means to a creek with well defined banks, where it might be argued that there was a sufficient outlet within the meaning of the Drainage Act, but, here as there, we find that that water does actual injury to lands and roads at a distance which in one sense may seem a great distance, but which in another sense is only a short distance, where the only difference being that in that case there intervened the deposit of sediment at the

mouth of the creeks, the overflow being in the main channel of the Carp River, while here the injury is the direct overflow of the water itself which is brought to the Van Camp scheme by the drains in the upper townships. I cannot see that there is any difference in principle. The distance is purely relative. The evidence here is uncontradicted that the condition of affairs on the land described in the petition is the result, as a matter of fact, of the water brought into the Van Camp Creek by artificial works in the upper township.

That being the fact, it follows as a matter of law that the artificial works in the upper townships do not have sufficient outlets in the Van Camp Creek, and that the work of improvement in the Van Camp Creek is needed in order to give that area those sufficient outlets which the Act says they must have in order to be proper, legal drainage works. In that way I am satisfied that the assessments here should properly be for outlet liability instead of injuring liability, and upon a consent being filed by the engineer who made the report, evidence already having been given such as to justify me in making the change, judgment may go directing, and changing the assessments in the report from injuring liability to outlet liability, that being done, these appellants must fail.

As to costs, however, they have in a sense succeeded, the main attack has been as to the legality of the assessments. The main attack has been as to the legality of charging the upper townships with injuring liability. Having found that they are not chargeable with injuring liability, and the initiating township consenting to me making the change which is necessary to enable the report to stand, for that reason I think the proper order as to costs is that the costs of all parties as between solicitor and client be taxed on the High Court scale by the clerk of the County Court here, and be chargeable, not against any particular portion of the drainage scheme, but against the drainage scheme as a whole, the result will be that the initiating township will have to bear the burden of the cost in the same proportion that it has to bear the burden of the work, but that I think is the proper result of the litigation.

The Township of Mountain will affix the sum of four dollars in stamps to this my report as of one day's hearing.

In this case, unless consent of the engineer is filed within ten days from this date, as the necessary result, the appeals must be allowed and the report set aside with costs on the High Court scale against the respondent.

(IN THE HIGH COURT OF JUSTICE.)

In the matter of the Municipal Drainage Act.

MOORE *v* MARCH.

OTTAWA, ONT., 12th March, 1909.

G. F. Henderson, K.C., Drainage Referee.

W. A. Lavell for plaintiff.

Mr. Armstrong, for defendant.

It is an essential pre-requisite to the jurisdiction of a County Judge to hold an audit of the accounts of an engineer under the provisions of sec. 5 (*a*) of the Municipal Drainage Act, that there should be a written request of the municipal

council or of a person assessed, filed by the clerk of the municipality, before the audit is entered upon.

THE REFEREE: This is an action by an engineer appointed to make a report under the provisions of "The Municipal Drainage Act," to recover from the council of the initiating municipality an amount claimed by him for his services in making the report.

Before the present action was commenced proceedings for an audit by the County Judge under the provisions of sec. 5 (*a*) of the Act had been taken, and an audit was actually had by His Honour Judge McTavish, whose certificate bearing date the 5th day of the present month of March is before me, although not actually filed as an exhibit.

The question which I have to determine to-day is, as to whether or not the audit and certificate are binding upon the parties, since if they were binding I would hold without hesitation that I could give judgment for the plaintiff in this action, only for such amount as the learned County Judge has certified him to be entitled to.

The difficulty as to the effectiveness of the audit arises because of the fact that there was no written request of the municipal council or of any person assessed filed with the clerk of the municipality before the audit was entered upon.

Notwithstanding the argument of counsel for the defendant I am forced to the conclusion that this written request is an essential pre-requisite to the jurisdiction of the County Judge, and that because of its absence here the learned County Judge was without jurisdiction, and the audit is, therefore, a nullity.

It is perhaps not improper for me to say that the learned County Judge himself agrees with me as to this, and I understand from him that he would not have entered upon the audit had he been aware of the absence of the written request.

He did not learn of this until the audit had been well entered upon and an objection had been taken by counsel for the present plaintiff, but in order to facilitate the convenience of the parties he thought it proper to proceed to the completion of the audit, subject to this objection.

The result of my holding is that I am free to deal with the matter of the plaintiff's claim as if the audit had never been entered upon. This I will do at a date which will be arranged to suit the convenience of the parties, the present finding being with the object of disposing of the preliminary objection only.

(COURT OF APPEAL.)

December 31st, 1909.

TOWNSHIP OF DOVER *v* TOWNSHIP OF CHATHAM.

(Reported in 15 O.W.R. 156.)

A large number of residents of the Township of Chatham petitioned their council that certain areas be drained by deepening and otherwise improving certain drains already made, which were not satisfactory. The council had plans and specifications, estimates, assessments, etc., made by a civil engineer which were finally adopted by the council. Duplicate copies of the final report were served upon the Townships of Camden and Dover, through which townships the drain would pass. The township of Dover appealed to the Drainage Referee, taking a

number of objections all of which the Referee overruled and confirmed the report except that he altered the provision for maintenance so as to include the lands in Dover assessed for benefit as well as those assessed for outlet. The Court of Appeal held that the findings of the Referee had been reached after careful surveys, examinations and investigations, and he, being familiar with the drainage areas in question, as well as with all the surrounding areas and the drainage systems and works thereon, therefore it would be necessary for the appellants to show a very strong case to overcome such findings. This not having been done, the appeal was dismissed.

Appeal by the Township of Dover from the judgment of a drainage referee affirming the report of an engineer appointed by the Township of Chatham to report upon certain proposed drainage works affecting the Townships of Camden, Chatham and Dover.

The appeal to the Court of Appeal was heard by Sir Charles Moss, C.J.O., Osler, Garrow, MacLaren and Meredith, JJ.A., on the 20th and 21st September, 1909.

M. Wilson, K.C. and J. M. Pike, K.C., for appellants.

A. H. Clarke, K.C. and J. S. Fraser, for respondents.

Sir Charles Moss, C.J.O.: I agree that this appeal should be dismissed. I only desire to add that as the case presents itself to my mind it is not necessary to its disposition to determine the question whether upon the adoption of an engineer's report upon a drainage scheme it is or is not obligatory upon the council of the municipality to pass a by-law authorizing the work before serving the head of a municipality, through which the work is to be continued with a copy of the report, plans, etc.

The question may not be entirely free from doubt, but in the way in which it was brought up before the learned referee I think he was justified in dealing with it as he did.

If a by-law was necessary the service of a copy of the report, etc., was premature and irregular and as the learned referee has pointed out, the proper proceeding was an application to set aside the service. The appellants, however, chose instead to appeal from the report on the merits. The objection was not raised in the notice of appeal and it was not until the matter had progressed some distance before the referee that it was taken before him. The referee dealt with the objection as he might have dealt with the matter upon a motion to set aside the service and gave liberty to the respondents to pass a by-law of which they availed themselves.

The merits of the case were fully explored and disposed of, and as we are of opinion that upon them the proper conclusions were reached, further discussion as to whether the respondents were in the first instance right or wrong in their procedure is not necessary.

Garrow, J. A.: The facts are very fully set forth in the report of the learned referee, and I will, therefore, only repeat here such of them as seem fairly necessary to understand the application of the various objections taken by the Township of Dover, and what I propose to say in considering such objections.

The three townships interested are Dover, Chatham and Camden, all in the County of Kent. Of these Dover on Lake St. Clair is the most westerly. Next to Dover is Chatham, and Camden lies to the east of Chatham. Camden did not appeal. The natural drainage is westerly towards Lake St. Clair and northerly toward the River Sydenham, but the fall in any direction is very slight. The whole

territory is very level and requires drainage to make it useful for agricultural purposes. And for this purpose large sums have been from time to time expended by all three townships, but chiefly by Chatham and Dover. A natural stream called Little Bear Creek flows along the southerly edge of the territory in question roughly parallel to the River Sydenham on the north. Little Bear Creek was deepened and improved in 1886, and again repaired and further improved in 1893. Another system is what is known as the town line drain constructed in 1879, which commences at the Little Bear Creek between Chatham and Dover, extending northerly from near the Little Bear Creek to the Sydenham River. And still another is the Prince Albert Road drain in Chatham, constructed in 1879, which commences at the Little Bear Creek and runs northerly to the River Sydenham. The Little Bear Creek drain is to the extent of its capacity fairly effective, but is unable to carry away all the waters which reach it in time of freshets. The other drains which I have mentioned were at least in part designed to relieve Little Bear Creek, but as found by the learned referee have not been successful notwithstanding the large sums expended upon them. And it is not, I think, difficult to see why this is so, because in both cases the attempt was made to send waters to the north which naturally, although it is true but slightly, trended towards the west in the line of Maxwell Creek and other small streams all flowing in that direction, and all interfered with by the embankments constructed under the Prince Albert Road and the town line schemes. Under these circumstances and after suffering for years from the inefficiency of the drains for which they had paid so much, a number of the residents in Chatham representing themselves to be the majority of resident and non-resident owners, petitioned the council in September, 1905, that the area described in the petition, all situated in the Township of Chatham, might be drained by means of deepening of or otherwise improving the drain along the east side of Prince Albert Road north of the 11th concession to Maxwell Creek, removing the dam near Maxwell Creek and placing it in the Prince Albert Road in front of the 14th concession and making a drain in the Maxwell Creek from the east side of Prince Albert Road to the overfall of Maxwell Creek in Little Bear Creek or the Channel Ecarte (a channel leading into Lake St. Clair). This petition was not in fact sufficiently signed under sec. 3 of The Municipal Drainage Act. The petition was received by the council in October, 1905, but no action was apparently taken upon it until February, 1906, when a resolution was passed instructing the firm of Bell and McCubbin, civil engineers, to "make a survey and examination of the proposed new outlet drain in Maxwell Creek and of all the lands and roads to be served by it, and to prepare a report, plans and specifications, estimates, assessments, etc., accordingly." After an extension of time and a reference back for amendment, a report was finally obtained from Mr. McCubbin, C.E., and by resolution of April 4th, 1907, adopted by the council, and the reeve appointed to cause duplicate copies to be served on the Townships of Camden and Dover, which was done.

No by-law was passed by Chatham adopting the scheme as proposed in the petition nor adopting the report until after these proceedings commenced. The affidavit of the engineer required by sec. 5 was made on June 8th, 1906, although the firm of Bell and McCubbin had been appointed in February, 1906, and had written to the council on March 5th, 1906, that they would begin the survey of the new outlet in about one week's time. And in his evidence Mr. McCubbin spoke more than once of the condition of things as he found them when he made his survey in "March," 1906. His remarks, however, were not made in answer to

specific questions but were of a casual nature. Nor was any attempt made to ascertain the actual extent or nature of the work, if any, done before the affidavit was made.

The new plan as proposed by Mr. McCubbin in his report is practically that suggested in the petition, namely, to shift the dam in the Prince Albert Road drain to the north to permit the waters coming down the Maxwell Creek drain to the east (a minor system not before mentioned) to continue to flow into the Prince Albert Road drain to the north of the dam, and thus reach the River Sydenham, and to cut a new channel substantially, in or in the line of Maxwell Creek, from the Prince Albert Road drain beginning immediately to the south of the dam, westerly to the Channel Ecarte and crossing in its course the townline drain, thus really to some extent affecting all three systems, although primarily intended to supply a new outlet for the Prince Albert Road drain, the whole to cost as estimated $44,004.64.

There was expert evidence both ways as to whether or not Mr. McCubbin's plan would be a success or a failure, without a very decided preponderance either way so far as I can see.

The Township of Dover after being served with the report appealed to the referee, taking a number of objections, many of them renewed in the argument before us, all of which the learned referee overruled, and confirmed the report except that he altered the provision for maintenance so as to include the lands in Dover assessed for benefit as well as those assessed for outlet.

The main objections relied on by Dover in the argument before us were:

1. The scheme is really a new scheme and not a work falling under sec. 75, and a petition was therefore necessary.

2. If intended to fall under sec. 75, it is illegal because it proposes to interfere with and alter the outlets of more than one prior drainage area, running altogether without regard to the original assessments.

3. A by-law adopting the scheme was necessary before serving the report upon Dover.

4. Section 5 was not complied with.

5. The initiating municipality should have procured the consent of the railway company before serving the report.

6. The engineer failed to comply with sec. 12 by distinguishing in the assessment between benefit, outlet and injuring liability, and

7. The evidence disclosed that the proposed scheme would not relieve Chatham and would injure without benefiting Dover.

After some doubt I have reached the conclusion that the proposed works fall within sec. 75, and so did not require to originate under the authority of a petition. That section provides that whenever for the better maintenance of any drainage work . . . or to prevent damage to any lands or works, it is deemed expedient to change the course of such drainage work, or make a new outlet for the whole, or any part of the work or otherwise improve, extend or alter the work . . .. the council of the municipality or any of the municipalities whose duty it is to maintain the drainage work may, without petition, but on the report of an engineer . . . undertake and complete the change of course, etc., specified in the report, and the engineer is to assess and charge lands and roads in any way liable to assessment under the Act for the expenses thereof in the same manner and to the same extent and by the same proceedings and subject to the

same rights of appeal as are provided with regard to any drainage work constructed under the Act.

The duty to maintain is by sec. 69 cast upon the several municipalities through which the drain passes according to the original assessment until altered in the manner pointed out. The municipality as a whole is not interested. The corporate body acts in the matter really for and on behalf of the owners of the lands to be benefited, largely for their convenience. It not infrequently happens that such drainage schemes, however carefully planned, prove ineffectual. The scheme may relieve some or even a majority of the owners interested only to cast an increased burden upon others, and sec. 75 was no doubt intended to excuse the minority, and also perhaps the municipality, in the course of discharging its duty to maintain, from the difficult, perhaps impossible, task of obtaining the consent of a selfish majority before extending the work so as to secure what presumably all parties in the beginning intended, namely, the discharge of the water at a proper and sufficient outlet.

The chief objection urged against the scheme as proposed is that it affects other drainage schemes, that it is in effect a combination and enlargement of three distinct drainage schemes, namely, the Bear Creek, the townline, and the Prince Albert Road drains, an objection which, if well founded in fact, would require very serious consideration. Hagarty, C.J., in Sombra *v* Chatham, 18 A.R. 252, at p. 256, said: "For better or for worse the original co-adventurers, as I have called the assessed ratepayers, must be the parties liable for this scheme of projected improvement. The work has not so far answered expectation. I see no remedy or means of shifting the burden." Since these remarks were made the Act has, it is true, been considerably enlarged and amended, but it still is, I think, the law that a proceeding under sec. 75 is to be primarily confined to a proposed improvement of one single drainage work, with the original assessment for such schemes as the basis upon which to proceed, otherwise very great confusion would ensue. The question here is largely one of fact, and so viewing it I agree with the learned referee that although the scheme proposed incidentally touches and to some extent may affect, but not, I think, injuriously, the townline drain which it crosses, and will also affect the Little Bear Creek drain, but only to its advantage, it is essentially a scheme to relieve the Prince Albert Road drain by furnishing a new and better outlet and is, therefore, a work falling within sec. 75: See *in re* Jenkins *v* Enniskillen, 25 O.R. at p. 403.

As to objection No. 3, I am inclined to think that strictly a by-law is necessary. It is true that sec. 75 does not explicitly direct that a by-law shall be passed, but the concluding words indicate that while the petition is to be dispensed with, the other procedure as in cases requiring a petition is to be followed, which procedure under secs. 18 and 19 includes passing a by-law after the report has been received. On the other hand it is to be observed that a copy of the by-law is not one of the documents which under sec. 61 is to be served by the initiating municipality, and, again, that no specific mention is made of a by-law as the proper subject of an appeal under sec. 63, to the referee, circumstances which of course lend at least some foundation for the opposite view.

That the point was open to the appellants without the leave of the referee appears to be doubtful, for among all the twenty-five objections set out in the notice of appeal nothing is said about the absence of a by-law. And indeed its absence was apparently not even known to the appellants until after the hearing

before the learned referee had been entered upon; in the course of which, on his suggestion, a by-law was passed, and the objection so far as it could be, cured.

There is, therefore, now a by-law which fully commits the respondents to the scheme, and the appellants failing on the merits should not be allowed under the circumstances to succeed upon this objection now so purely formal.

As to objection No. 4, this, in my opinion, fails upon the evidence. I am not sure that in the form it was presented to us it was even open to the appellant. Before the learned referee the objection apparently was that three oaths should have been taken, not that the oaths which were taken were taken too late. A substantial compliance is what the statute requires, and there is nothing to show the contrary of that, even if some slight steps, the extent of which does not appear, were taken before the oaths were actually made.

There is nothing in objection No. 5. The right to obtain drainage as against a Dominion Railway is now regulated by secs. 250, 251 of The Railway Act, R.S.C., 1906, ch. 37. And it was in no way the duty of the respondents to have made any application under these sections before serving the report upon the appellants, if their proceedings had been otherwise regular.

The remaining objections do not, I think, call for extended remark. No. 6 in so far as it refers to the form of the assessment, is not strictly accurate, for the assessment in form at least does distinguish the various kinds of assessment mentioned in the statute; whether in substance such distinguishment (often more puzzling than useful, I think) was as made strictly accurate is a matter upon which the engineer and the learned referee were much more competent to pronounce that I am. I, therefore, adopt their conclusions upon this point, as I also do upon the objection No. 7, although I cannot help feeling that these unfortunate people may still not escape from the waters which they have for so long and at so much expense striven to banish.

The appeal should, in my opinion, be dismissed.

MEREDITH, J.A.: Upon the facts involved in this appeal the appellants cannot succeed without overcoming the findings of the competent engineer whose work is in question, and also those of an experienced and careful drainage referee; findings reached by the former after careful surveys, examinations and investigations, and by the latter after a protracted hearing and an exhaustive discussion of the case; each of such officers having been familiar with the drainage area in question as well as with all the surrounding areas and the drainage systems and work thereon. It need hardly be said, that to overcome such findings now a strong case should be presented; but, on the contrary, if the case were now being dealt with for the first time the findings should, as I think, be in substantial accord with those of the executive and of the judicial officer before mentioned.

That better outlets for the drains in question were needed no one can question; the one question was, and is, whether by any possible means, reasonably attainable, such relief could be found. Previous schemes and previous efforts, however, much relief, or little relief, they may have afforded, proved insufficient. And it was, and is, in my opinion, immaterial in law as well as in fact, at what part in the existing drainage, or in what direction the better outlet could be obtained. At first sight the extent, and very considerable cost of the proposed work, are apt to impress one with the idea that the scheme can hardly be one for the better maintenance of already constructed drains merely, but greater familiarity with the low-lying character of the whole country in and surrounding that in which the drains

in question are, and with the whole facts of the case, dispels that impression and leaves me, at all events, unable to find fault with the conclusion of those who have found it to be a work coming within the provisions of sec. 75 of "The Municipal Drainage Act."

The contention that the lands lying below that part of the drains in question at which the new outlet is to be commenced cannot be included in the scheme seems to me to have no weight; they may be as much or more benefited by such an outlet as, or than, by a new outlet commencing at a point below them; that is a question of fact and one perhaps of no greater difficulty than most of those which must be met with in every municipal drainage scheme.

Coming now to the technical objections. I desire to say, in the first place, that the enactment in question is a highly remedial one, and one which, properly made use of, is of vast advantage to the Province, to the particular locality, and to the individuals directly concerned, which those who live in the low-lying districts cannot but see and know; and that when a case comes fairly within its provisions the enactment should receive such a liberal construction as will prevent its objects being defeated by any avoidable technical objection or obstruction. That the Act should not be made one which in its mere details "would puzzle a Philadelphia lawyer" to work out—not one which might, with anything like fairness, be called an Act for the construction of lawsuits.

The contention that the whole proceedings are invalid for want of a by-law authorizing them has, in my opinion, no foundation. It is not necessary, but would be contrary to the express provisions of the enactment, to pass a by-law in any case in which the report of an engineer or surveyor is first required until after the report had been made, the persons assessed notified and the meeting of the municipal council for the consideration of the report held; see secs. 15 to 20. And it is quite clear to me, from all the provisions of the Act bearing upon the subject, that the by-law is not to be passed, even provisionally, until after such an appeal as this, which may, and which does in this case, go to the whole root of the scheme, has been finally disposed of: See secs. 61 to 64. Section 64 (3) expressly provides that the "initiating" municipality may, after the determination of such an appeal as this, by resolution abandon the proposed drainage works, not repeal any by-law. The scheme of the legislation is plain; the whole proceedings are merely prospective until the persons assessed have been heard and the liabilities of other municipalities fixed; so far is it, as it were, feeling the way, making sure of the foothold upon which the municipality may act; after that it may become a provisional enactment until the assessments, etc., are settled, and after that the by-law may be finally passed.

The provisions in regard to the repair of drains which the municipalities are bound, and can be compelled to maintain, are different; in such a case a by-law is required in the first instance: See secs. 68 to 70 for the obvious reason that it is not a mere proposition which may be abandoned, but is something which the municipality must do in any case.

I see nothing in the oaths of office taken by the engineer to which any substantial objection can be taken. The whole of his work was comprised in the better maintenance of the drains referred to in such oaths.

Agreeing, as I do with the conclusions of the learned late referee upon all other questions of law and of fact, it does not seem to me to be needful to deal with them in detail, in this already long-drawn-out case in which, among some substantial points, there were quite too many technical and unsubstantial, the giving

effect to which would in the end have resulted only in doing the work over again, and the waste of much money of those who, whichever side lost, could ill afford to lose it, and which might far more wisely be expended in improving the drainage in a district in which good drainage means so much to everyone.

I would dismiss the appeal.

Osler and MacLaren, JJ.A., concurred.

Re Moore *v.* Township of March.

(Reported in 1 O.W.N. 206.)

A claim by an engineer for services rendered to a municipal corporation preparing a report and plans for a drainage work, the construction of which has not been actually undertaken, is not within the jurisdiction of the referee.

Application by the defendants for an order prohibiting the plaintiff and George F. Henderson, Drainage Referee, from proceeding further in a certain action pending before the referee under the Municipal Drainage Act, R.S.O. 1897, ch. 226.

T. A. Beament, for the defendants.

H. A. Lavell, K.C., for the plaintiff.

Latchford, J.: In June, 1907, a number of the ratepayers of the township of March petitioned the municipal council of the township for the draining of certain lands, and the council appointed the plaintiff, a civil engineer, to examine the area proposed to be drained, to prepare plans of the work, specifications and estimates, and otherwise to perform the duties required to be done by an engineer as prescribed by the Drainage Act. Mr. Moore did the work he was appointed to do, claimed $3,189.33 for his services, received $1,950, in promissory notes, and on the 3rd November, 1908, began proceedings against the defendants, under subsec. 2 of sec. 93 of the Act, notifying the defendants that he claimed the balance of $1,239.33 with interest. To this notice the defendants filed an appearance as in an action in the High Court. A statement of claim and statement of defence were delivered. The defendants did not deny employing Mr. Moore, but set up that they had paid all that was due him for his services.

A month or two later the plaintiff served the defendants with a notice of motion returnable before the referee on the 5th March, 1909, to fix a date for the trial of the action. On the return of the motion a question arose as to whether there had been an audit. The referee fixed the 12th March, not apparently for the trial of the action, but merely to determine whether there had or had not been an audit in conformity with subsec. 5 of sec. 5a of the Drainage Act, 3 Edw. VII., ch. 22, sec. 4, and 6 Edw. VII., ch. 37, sec. 2. Counsel for both parties appeared before the referee on the 12th March. His conclusions are reported in 13 O.W.R. 692. At this time, and, indeed, until the 18th October, the jurisdiction of the referee to try the action was not questioned by the defendants. The decision of the Court of Appeal in Bank of Ottawa *v.* Township of Roxborough, 18 O.L.R. 511, had been given on the 5th of May. It reversed the judgment of a Divisional Court (24th April, 1908), which had held that an action begun by writ of summons in the High Court to enforce payment of the claim of a contractor to be paid for work done under the Drainage Act was properly dismissed summarily, on the ground that the drainage referee alone had jurisdiction. The defendants say the decision of

the Court of Appeal has removed the impediment which deterred them until recently from objecting to the jurisdiction of the referee. The present is a much stronger case against the exclusive jurisdiction of the referee than the Roxborough case. There the claim arose out of a dispute between a contractor, who assigned his claim to the plaintiffs, and the municipality for which he constructed certain drainage works. In the present case the construction of the drain has not yet begun. So far as material, sec. 93, as amended by 1 Edw. VII., ch. 30, sec. 4, enacts as follows: "All proceedings to determine the claims and disputes arising between . . . . individuals and a municipality. . . . . in the construction, improvement, or maintenance of any drainage work under the provisions of this Act or consequent thereon . . . . shall hereafter be made to and shall be heard or tried by the referee only." The work done by Mr. Moore was undoubtedly a necessary preliminary to the construction, if not to the improvement and maintenance of the drain; but there has been no "construction of any drainage work."

Section 93 confers a new jurisdiction, and upon settled principles is to be strictly construed: Best, C.J., in Kite and Lane's Case, 1 B. & C. 101, at p. 107. The claim of the plaintiff has not arisen in the construction, improvement, or maintenance of the drainage work, but in matters wholly preliminary to such construction.

If, as was held by the Court of Appeal in the Roxborough case, the section in question does not refer to the claims of contractors or workmen to be paid for work performed by them in the actual construction of the drainage works, still less does it refer to such a claim as that set up by the plaintiff.

I think the defendants are entitled to prohibition, and with costs. On the question of costs, the remarks of Lopes, L.J., in The Queen *v.* County of London (1895), 1 Q.B. at p. 458, are pertinent: "It is difficult to understand on what principle a litigant who successfully impeaches the jurisdiction of a Court into which his adversary has improperly dragged him is to be deprived of his costs of a proceeding which the conduct of his adversary has rendered imperatively necessary."

Note.—After this decision the Act was amended extending the jurisdiction of the referee so as to cover "anything done or required to be done under the provisions of this Act."

Teetzel, J.

January 27th, 1910.

McMULKIN *v.* OXFORD.

(Reported in 15 O.W.R. 294.)

Plaintiff brought action claiming that defendants had, while engaged in repairing a highway, wrongfully constructed certain grades and ditches along certain culverts through the highway so as to divert water from the highway and from an adjoining highway over which they had not assumed control, and from other lands into and upon plaintiff's farm, for which he claimed damages and an injunction.

Held, that the evidence as to damages was conflicting, but there was no doubt that the excess of water discharged on plaintiff's land caused him some loss and inconvenience, and would have a depreciating effect upon the value of his farm. In lieu of an injunction judgment was given plaintiff for $450, for damages past and future with costs.

Plaintiff charged that defendants, the corporation of the County of Oxford, while engaged in repairing a highway, wrongfully constructed certain grades and

ditches along and certain culverts through the highway so as to divert water from the highway and from an adjoining highway over which they had not assumed control, and from other lands into and upon the plaintiff's farm, for which he claims damages and an injunction.

The corporation passed a by-law, No. 558, adopting a scheme of road improvement in the county, which was confirmed by 7 Edw. VII., ch. 81, sec. 1. Sec. 2 of the Act enacts that the highways described in the schedule to the by-law, which includes the highway in question, "shall hereafter be maintained and kept in repair by said corporation," etc. In assumed compliance therewith the corporation proceeded to do the work, the result of which is the plaintiff's grievance. The work consisted in raising the grades of the highway along plaintiff's farm, deepening ditches on either side and extending them to gather water from a township highway, and putting in two culverts.

Tried before Teetzel, J., at Woodstock, without a jury on December 10th, 1909.

J. C. Hegler, K.C., and W. T. McMullen for plaintiff.

S. G. McKay for defendants.

TEETZEL, J.: I cannot find that raising the grade in any way increased the flow of water upon plaintiff's farm, but I do find that as a result of deepening and extending the ditches and putting in the two culverts considerably more surface water is discharged upon plaintiff's land than would naturally flow upon it before the work was undertaken.

Until the culverts were put in none of the water which would fall on the far side of the highway, except such as might soak through the highway, would get upon the plaintiff's farm. The water is not directed into a natural water course. The plaintiff's land upon which it flows is a swamp or swale, and most of it is only fit for pasturage in dry seasons. In a state of nature this swamp extended on both sides of the highway, which was built through it. The greater part is on the plaintiff's farm. It is surrounded by high ground and has no natural outlet, and, according to the evidence, the expense of making an outlet would be very considerable.

No by-law was passed authorizing the making of a water course, and for that purpose to take or use the plaintiff's land under sec. 554 of the Consolidated Municipal Act, 1903, nor were the provisions of the Ditches and Water Courses Act, R.S.O., ch. 285, invoked by the defendants.

I find as a fact that, from an engineering point of view, the work done by the defendants was necessary for the proper maintenance and repair of the highway, and that it was properly and not negligently done, and that therefore, unless the defendants were acting wrongly in making the water course and in using the plaintiff's lands as a receptacle for the water without having first passed a by-law in that behalf, the plaintiff would not be entitled to bring an action, but would be driven to an arbitration for his damages under sec. 437 of the Consolidated Municipal Act, 1903.

This was the chief defence relied on by Mr. McKay for the defendants.

On the other hand the plaintiff's contention is that the construction of the water courses and incidental use of the plaintiff's land as a receptacle for the water discharged through them, could not be legally done without a by-law being first passed.

The first question for determination is, therefore, whether such a by-law was necessary. Section 437 of the Consolidated Municipal Act, reads as follows:—

"437. Every council shall make to the owners or occupiers of, or other persons interested in, real property entered upon, taken or used by the corporation in the exercise of any of its powers, or injuriously affected by the exercise of its powers, due compensation for any damages (including cost of fencing when required) necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act."

And sec. 451 provides that "where real property is, pursuant to a by-law of a municipal council, entered upon, taken or used by the municipal corporation in the exercise of any of its powers, or is injuriously affected thereby, any owner or occupier of, or person interested in such property may, after the passing of the by-law, appoint an arbitrator to determine the compensation to which he is entitled, and give to the head of the council due notice of such appointment."

Now the law appears to be settled by many authorities that under the provisions of our Municipal Act a person who has suffered damage from the lawful act of a municipal corporation not done in a negligent manner must submit his claim for compensation to arbitrate, if not mutually agreed upon, and is not entitled to bring an action for the same. In Preston *v.* The Corporation of Camden (1888), 14 A.R. 85, the defendants enlarged a drain running through the plaintiff's land, the earth taken from which they deposited either side and left it there. The plaintiff sued for damages to his land, etc., by reason of such depositing of the earth. It was admitted that the work was done under a by-law passed under sec. 576 of the Municipal Act, 1883, and it was not suggested that the by-law was defective in any way. The jury found that the defendants were not guilty of any negligence, that the plaintiff had suffered damage in consequence of the execution of the work, and it was held that upon these findings judgment should have been entered for the defendants; that a cause of action could not accrue from the doing of a lawful act unless in a negligent manner, and that the plaintiff's remedy, if any, was by arbitration to obtain compensation under the Municipal Act.

HAGARTY, C.J., at p. 87, says: "It never could have been intended by the Legislature that a person claiming damages for acts lawfully done with due care should have the option of either bringing an action or seeking compensation by arbitration. What would the action be for? It would have to be for some illegal act or some proved negligence or wrong doing in the execution of the legal act, but if the act be wholly lawful and be lawfully and carefully done I am satisfied the only remedy must be that provided by the act." See also Pratt *v.* Stratford (1889), 16 A.R. 5, where it was held that a municipal corporation can exercise and perform their statutory powers and duties in repairing highways and bridges or erecting a new bridge instead of an old and unsafe one without passing a by-law therefor, and the plaintiff, whose premises were "injuriously affected" by the level of the street on which they fronted being raised to construct a proper approach to the bridge which the defendants were lawfully rebuilding could not maintain an action against the defendant, but must, in the absence of any negligent construction, proceed under the arbitration clauses of the Municipal Act, notwithstanding the absence of any by-law for the prosecution of the work.

While, therefore, it is clear that the corporation has the right, without passing a by-law, to improve or raise or lower their highways, notwithstanding such improvements may injuriously affect lands of adjoining owners, the only remedy in such a case being arbitration, I think such right is subject to the condition that in

doing the necessary work the municipality must not take or use any part of the adjoining land, and if, to properly do the work of improvement or repair, it becomes necessary to take, encroach upon or use adjoining land, then I think a by-law for that purpose is necessary before the work can be legally done, and if no such by-law is passed an action lies by the owner whose lands are taken or used.

The right of a corporation to pass by-laws for taking or using the land of another in connection with any scheme of municipal improvement is amply provided for in several sections of the Municipal Act. Apart from their power under that act municipal corporations have no greater rights than have other owners to concentrate surface water and cast it upon an adjoining owner. In Ostrom *v.* Sills (1897), 24 A.R. 526, Osler, J.A., at p. 539, deduces from authorities there cited by him this statement of law:—

"As regards mere surface water precipitated from the clouds in the form of rain or snow, it has been determined that no right of drainage exists *jure naturae,* and that as long as surface water is not found flowing in a defined channel with visible edges or banks approaching one another and confining the water therein, the lower proprietor owes no servitude to the upper to receive the natural drainage." This decision was affirmed in 28 S.C.R. 486.

In Rowe *v.* Township of Rochester (1870), 29 U.C.R. 590, the defendants, in order to drain a highway, conveyed the surface water along the side of it for some distance by digging drains there, and stopped the work opposite the plaintiff's land, which was thus overflowed; and it was held that the defendants were liable even without any allegation of negligence.

See also McGarvey *v.* The Corporation of Strathroy (1885), 10 A.R. 631, and cases cited at page 650 of Biggar's Municipal Manual, 1900.

The plaintiff has suffered and will suffer some damage by the use the defendants are making of his land as a resting place for the additional water discharged upon it by the defendants through the water courses construced by them, and no by-law having been passed authorizing the making of them and using the plaintiff's land for the purposes thereof, under sec. 554 of the Consolidated Municipal Act, 1903, the case is, I think, governed by the City of Westminster *v.* Brighouse (1892) 20 S.C.R. 520, where the distinction is drawn between such cases as Pratt *v.* Stratford, *supra,* where the complaint was not, as here, that the defendants were using any portion of plaintiff's land, but that the work done merely injuriously affected the access to the plaintiff's land, none of which has been in any way taken or used. In that case the City of Westminster, under authority similar to the provisions of our Consolidated Municipal Act, 1903, passed a by-law for improving certain streets, but no by-law was passed expressly ordering such improvements; and in one of the streets named in the by-law the grade was lowered, in doing which the approach to and from the adjacent lot became very difficult, and no retaining wall having been built, the soil of the lot caved and sunk, thereby weakening the supports of the building thereon, and it was held that the land must be regarded as having been taken and used for the purposes of the excavation, and that the council should have acquired it under the statute, and, not having so acquired it, and having neglected to take the steps to prevent the subsidence of the adjacent land they were liable in an action for the damage thereby caused. At page 538, PATERSON, J., says: "Now in the absence of the statutory preliminaries I do not understand that the municipality as owner of a street has any greater right to disturb the plaintiff's soil than any other owner of adjacent land would have." So I think it must be held here that the absence of the statutory pre-

liminary which was the passing of a by-law entitling the defendants to use the plaintiff's land as a depository for waters discharged by them from their highway, through a water course constructed by them, renders them responsible to the plaintiff in an action for damages, and that he cannot be compelled in the absence of such a by-law to arbitrate. See also Van Egmond *v.* Seaforth, 1884, 6 O.R., at p. 610.

If the above view is correct, it is not necessary to determine how far in any case the defendants' right to insist upon arbitration may be displaced under the authority of Saunby *v.* The Water Commissioners of the City of London (1906), A.C. 110, and if it should become necessary to determine that question I would find as a fact that the defendants proceeded with the works after objection thereto by the plaintiff and a notice by him that he would sue for damages, and also that at no time did the defendants give the plaintiff an opportunity of agreeing with them upon his claim for compensation, within sec. 437 of the Consolidated Municipal Act.

The evidence as to damages was conflicting, but I think there can be no doubt that the excess of water discharged on the plaintiff's land does cause some loss and inconvenience to him, and will have a depreciating effect upon the value of his farm.

In lieu of an injunction, I would fix the plaintiff's damages, past and future, at $450, and I direct judgment to be entered in his favour for that sum with costs.

Thirty days' stay.

(DIVISIONAL COURT.)

February 9th, 1910.

Vanderberg *v.* Markham and Vaughan.

(Reported in 15 O.W.R. 321.)

At trial, plaintiff was awarded $240 damages, and a mandatory injunction against both defendants, requiring them to open up and maintain a culvert, opposite plaintiff's land, in such a manner and to such an extent as to receive and carry away waters that may from time to time flow along the east side of the road allowance, so that said waters may not back up on plaintiff's land. On appeal to the Divisional Court, it was held that the judgment appealed from should be varied as to the terms of the injunction awarded by making it one restraining the defendants from continuing to bring the foreign water down to the injury of the plaintiff, and operation of the judgment should be suspended for one year to enable defendants to do this. With this variation, judgment affirmed, and appeal from it dismissed with costs.

This was an appeal by defendants from a judgment of Mr. Justice Latchford awarding plaintiff $240 damages and a mandatory injunction against both the defendants, requiring them to open and maintain a culvert crossing at Yonge Street opposite plaintiff's land, in such a manner and to such an extent that such culvert should have a capacity sufficient and proper to receive and carry away waters that may from time to time flow along the east side of the allowance for road for Yonge Street, so that said waters may not back up on the plaintiff's land.

The appeal to the Divisional Court was heard by Sir William Meredith, C.J.C.P., MacMahon and Teetzel, J.

McGregor Young, K.C., for the township of Markham.
T. H. Lennox, K.C., for the township of Vaughan.
A. G. F. Lawrence, for the plaintiff, respondent.

Sir Wm. Meredith, C.J.C.P.: The evidence establishes that the ditch along the east side of Yonge Street, which is under the control of the appellants, brings down to a point opposite the respondent's land more water than would but for the ditch be brought there, which is sometimes spoken of as foreign water, and brings the water down more rapidly than it would otherwise be brought down, that the culvert opposite the respondent's land, which was designed to carry the water brought down by the ditch to the opposite side of Yonge Street, is not adequate for that purpose, owing partly to its not being originally of sufficient capacity and partly to its having been allowed to become out of repair, and that the consequence of this has been that the respondent's land has been overflowed, to his damage.

It is clear that on this state of facts the respondent is entitled to recover, unless, as was contended by counsel for the appellants, the damage suffered by him was caused by water being brought into the ditch by the land owners along Yonge Street, and the use by them of the ditch for that purpose were not authorized or permitted by the appellants, and the appellants are for that reason not answerable for the injury.

The evidence shows that three or four farms along Yonge Street, in the neighborhood of the respondent's lands, have drains, either tile or open, which discharge into the appellants' ditch, but there is nothing to show to what extent the volume of the water which has flowed in the ditch was increased by the water brought into it from these drains, and nothing to warrant the conclusion that, but for this water, the ditch would not have caused the injury of which the respondent complains.

Nor does the evidence show how long these drains have been connected with the ditch or under what authority, if any, they were connected with it.

If it were necessary for the decision, I should be inclined to hold that in the absence of evidence to the contrary the fair inference is that the connections were made, if not by the authority of the appellants, at all events by their permission.

Being of the opinion I have indicated, the question of law which my brother Teetzel, whose opinion I have had an opportunity of reading, has dealt with does not arise, but assuming that the injury which the respondent has suffered was due entirely to the water brought into the appellants' ditch from the farm drains, and that the inference to which I have referred ought not to be drawn, I am of opinion that the appellants nevertheless are liable because this water would not and could not have been brought to and discharged on the respondent's land but for the ditch they are maintaining, and they are in a position to physically prevent the discharge of the water by stopping the connection of the farm drains with their ditch.

Assuming that it was established that the water which caused the injury was brought down partly by the appellants and partly by others for whose acts they are not answerable, the principle of such cases as Thorpe *v.* Brumfitt (1873), 8 ch. 656, and Blair *v.* Deakin (1867), 57 L.T.N.S. 526, applies as far, at all events, as the granting of an injunction is concerned.

I would vary the judgment however as to the terms of the injunction awarded by making it one restraining the appellants from continuing to bring the foreign water down to the injury of the respondent, and I would suspend the operation of this judgment for one year to enable the appellants to do this.

With this variation, the judgment should be affirmed and the appeal from it dismissed with costs.

MacMahon, J.: I agree.

Teetzel, J.: A careful examination of the evidence satisfies me that my learned brother has arrived at a correct conclusion in finding in effect that the defendants, who jointly control the road in question, have through their ditches caused a larger quantity of surface water to be collected on the highway in the vicinity of the culvert in question and opposite the plaintiff's land than would naturally have flowed there, and that by reason of their failure to properly maintain and keep in repair an opening through the culvert which was constructed to carry away such water, the same was penned back and overflowed plaintiff's land, resulting in damage to him. Upon this state of facts the plaintiff is *prima facie* entitled to redress under Rowe *v.* Corporation of the Township of Rochester (1870), 29 U.C.R. 590; McArthur *v.* Corporation of Strathroy (1885), 10 A.R. 631, and many other authorities.

It was suggested upon the argument that the excess water in question was largely, if not entirely, accounted for by the fact that several owners north of the plaintiff had utilized the defendants' ditch along the east side of Yonge Street as an outlet for their tile drainage, to which it did not appear the defendants had expressly consented, and that therefore the case came within Gray *v.* The Corporation of Dundas (1886), 11 O.R. 317.

In respect to this claim, the learned Judge says:

"It may be that the flow has been increased by the tile drains which now run across the Harding and Palmer farms into the ditch and fill it more quickly than I must assume that it would be filled by the natural flow of water over the surface of the soil or its percolation through the soil."

Assuming that the excess is largely or even entirely due to the tile drainage, I am of opinion that the proper decision of the case is not affected by Gray *v.* Dundas. That case decided that the defendants were not liable for the pollution of one of their public drains by a third party permitting noisome matter to flow or percolate into it, resulting in damage to the plaintiff. The point of the decision was that assuming the defendant had the right to restrain the wrongdoer from polluting the drain, this was a right which the plaintiff also had against him, and the corporation could not be held responsible for not bringing an action to prevent a third person doing a wrong to the plaintiff that they might by such action prevent. In delivering the judgment of the Court the then learned Chief Justice of the Common Pleas Division, at p. 320, discusses Charles *v.* Finchley Local Board (1883), 23 ch. D. 767, in which on a motion for injunction to restrain the defendants from allowing sewage to flow into a brook opposite the plaintiff's house whereby a nuisance was occasioned, it appeared that the nuisance was in fact caused by C. P., not a party to the action, who had passed the sewage of his house into the brook through a pipe which, by agreement with the defendants, he was only entitled to use for surface or rain water, and it was held that, although the defendants could not be compelled to construct an improved system of drainage except by mandamus, nor to bring an action for injunction against the third party, particularly in cases where the legal right was doubtful, still, where the third party was acting in violation of an agreement entered into with the local board to pass surface water only through the pipe, and where no special inconvenience would be caused to other neighbors, the plaintiff was entitled to an injunction against the defendant on the ground that they could themselves prevent any nuisance being

caused by stopping up the pipe which was being used in contravention of the agreement, etc., and the learned Chief Justice proceeds to point out that the circumstances in Charles *v.* Finchley "would be like the present if the foul matter from the screw company's reservoir reached the creek through a connection between the reservoir and drain permitted by the defendants in terms which the screw company had violated and were using the connection to commit the nuisance which the defendants were in a position to physically prevent by stopping the connection. Here that is not so, and the opinion of Pearson, J., fully accords with the previous decisions that if the defendants can only stop the nuisance by an action they cannot be compelled to bring such action. They are not bound to stop or change their drainage system simply because some one of the public using that system does so in a way to create a nuisance or actionable injury to some one else" (p. 320).

Now in this case there is no evidence to show when or under what authority the parties referred to first utilized the defendant's ditch as an outlet for their tile drainage. If it was with the authority of the defendants, either expressly given or to be implied from long acquiescence, they cannot be heard to say that they are not conveying the water from these drains and allowing it to flow on plaintiff's land, while if, as I assume, there was no express authority and the water conveyed by the drainage being presumably surface water, the defendants would have the right to physically prevent its flow from these drains by stopping them up or by building a barrier to prevent the water from flowing upon the highway.

In Darby *v.* The Corporation of Crowland (1876), 38 U.C.R. 338, there had for many years been a culvert across the highway adjoining the plaintiff's land through which the surface water from his land had been accustomed to pass, but the pathmaster closed it up and made the roadbed solid, by which the flow of the surface water from the plaintiff's land was impeded and the land remained longer wet than it would otherwise have been. The corporation, by resolution, approved of the pathmaster's action, and it was held that the plaintiff had no cause of action, for there was no right of drainage across the highway for the surface water.

See also Ostrom *v.* Sills (1897), 24 A.R. 526, affirmed in 27 S.C.R. 485.

By allowing the owners of the tile drains to wrongfully discharge their surface water into the defendants' ditch, and by permitting the same to be carried upon plaintiff's land when they had the right to physically prevent it, I think the defendants became liable as joint wrongdoers with such owners.

Upon principle, therefore, and upon the authority of Charles *v.* Finchley Local Board, *supra*, I think the defendants are liable to the plaintiff. Although the damages awarded are liberal, I cannot say that they are excessive. I think the only relief defendants are entitled to is to have the terms of the judgment as to the injunction varied, by simply restraining the defendants from allowing the surface water which accumulates on their highway to flow upon plaintiff's land, and not to take effect for one year, to enable the defendants to effect a proper drainage system.

In its present form the judgment might prevent the defendants adopting the provisions of the Ditches and Watercourses Act or any other system of drainage under which the culvert in question may not be necessary or may be sufficient without enlargement.

With this variation the appeal will be dismissed with costs.

Riddell, J.

TRIAL.

May 10th, 1907.

SMITH *v.* TOWNSHIP OF ELDON.

(Reported in 9 O.W.R. 963.)

Where a road drain constructed by a township municipality under its statutory authority is constructed in a negligent manner, and by reason of such negligence damage ensues to an abutting owner, such owner has a remedy by action and is not confined to his remedy by arbitration under the provisions of the Municipal Act.

Action for an injunction and damages in respect of injury to plaintiff's land by water and sand owing to the negligence of defendants as alleged.

T. Stewart, Lindsay and M. H. Roach, Beaverton, for plaintiff.
F. A. McDiarmid, Lindsay, for defendants.

RIDDELL, J.: The plaintiff is the owner of lot No. 1, in the 7th concession of the township of Thorah, in the county of Ontario, his land abutting on the east upon the town line between the townships of Thorah and Eldon. What is called the 3rd quarter line or side road in Eldon comes from the east out to the town line about the middle of the plaintiff's land. To the east along this quarter line or the whole length of the concession No. 1 of Eldon, about 3,800 feet, runs a ditch on the east side of the quarter road. This receives a great quantity of water from marshes, etc., further east during the freshets and heavy rains, and carries this water mixed with sand down west to the town line, and there some goes through a culvert B toward the west along the east side of the town line, some through and some over a culvert C which crosses the town line at the end of this drain. A great part of the latter and some of the former gets upon the land of the plaintiff with the accompanying sand, and has done him considerable damage . . . .

Before the year 1903, the water which came from the east along the quarter line was intercepted by a culvert across the quarter line at the point A, rather more than half way from the town line to the next concession road east of Eldon. This road was called the second road, being between concessions 1 and 2 of Eldon township. The water so coming from the east was also prevented from running west beyond A by a small elevation or knoll a short distance west of A. The water, then, crossed through or sometimes over the culvert at A, and made its way down what was called at the trial . . . . "old water course," diagonally across lot 15, concession 1, Eldon, to a point marked D. In the freshets and heavy rains some of this water was wont to make its way across the town line and partly get upon the plaintiff's land at about the point D, and, doing comparatively very little damage, make its way west over part of the plaintiff's land, along the 7th line of Thorah or west along the then line. What is called the "old water course" is not legally a water course, but rather a low wet, and swampy stretch having no defined banks or channel, but, beyond question, that was the natural course of the flow of the water.

In 1903 the council of the township of Eldon determined to repair the 3rd quarter line. In doing so they, through their commissioner, deepened the ditch on the east side of the quarter line, and cut through the knoll, thereby allowing water coming from the east to make its way along the north side of the line toward the west to the town line. The land is sandy, and the defendants must have known

that the necessary result would be that the water would make the drain larger and deeper by washing away the sand from bottom and side, and that this would result in a large flood of water and mass of sand being carried along this drain. The defendants and their commissioner must have known that unless ample provision were made for the carrying off of this water and sand, some must necessarily get upon the plaintiff's land and injure him. This was quite unnecessary for any purpose of repairing the road, and permitting the waters from further east to flow west of A was useless so far as the road was concerned. Instead of culvert A being enlarged, it has been allowed to become at least partly choked up. But even if culvert A were wholly open, the water would run past in large volume. And at B the culvert in the east side of the town line is partly choked up; and, to make matters worse, the drains in the east and west side of the town line are almost wholly filled with sand. All this should have been foreseen by the defendants, and their conduct has been negligent.

The defendants had no right to open a drain along the side of the 3rd quarter line as they did—their so opening was wrongful; and if it be said that they did this as an incident of repairing the highway, then their repair of the highway was negligently done.

This being so, the remedy of the plaintiff is, under the authorities, by action and not by arbitration; McArthur *v.* Collingwood, 9 O.R. 368, see p. 375; Malott *v.* Mersea, 9 O.R. 611; Nickle *v.* Walkerton, 11 O.R. 433; Stalker *v.* Dunwich, 15 O. R. 342; Derinzy *v.* Ottawa, 15 A.R. 712, see pp. 713, 714, 716; Pratt *v.* Stratford, 16 A.R. 5; Sombra *v.* Chatham, 18 O.R. 252, and cases cited.

The plaintiff is entitled to an injunction restraining the defendants from the continuance of the nuisance to his land and from causing water and sand to be deposited upon his land . . . .

By request of both parties there will be a reference to the Master at Lindsay to determine the damages to which the plaintiff is entitled.

The defendants will pay the costs to and including judgment: further directions and costs reserved until after the Master shall have made his report. To enable the defendants to make suitable provision for the disposition of the surplus water, the operation of the injunction will be stayed for four months from this date.

(DIVISIONAL COURT.)

June 18th, 1907.

DONALDSON *v* TOWNSHIP OF DEREHAM.

(Reported in 10 O.W.R. 220.)

Where a road drain is constructed by a township municipality within its statutory authority and without negligence, the right of an adjoining owner who claims that his access has been cut off by the drain, is for compensation under sec. 437 of the Municipal Act, and otherwise he has no claim for damages.

But where the municipality allows such a road drain to become out of repair so as not to carry on past the land of an abutting owner the water which it would carry on if in a proper state of repair, such owner may claim damages or an injunction.

Appeal by defendants from judgment of Anglin, J., upon the findings of a jury in favour of plaintiff in an action for damages for injuries caused to plaintiff's land by flooding, etc.

M. Wilson, K.C., for defendants.
J. M. Glenn, K.C., for plaintiff.

The judgment of the Court (Falconbridge, C.J., Britton, J., Riddell, J.) was delivered by,

RIDDELL, J.: Plaintiff resides in the Township of Bayham, in the County of Elgin; this township adjoins the Township of Dereham on the north, and plaintiff's land is in the last concession toward the north of Bayham. The road between the two townships passes to the north of plaintiff's land, and is admittedly a road under the joint jurisdiction of the two townships, within sec. 622 of the Municipal Act.

In 1893 representatives of the councils of the two townships met and found that a piece of this road was almost impassable. They made up their minds that they should dig a drain along the south side of the road and take certain sand from a knoll in the road and place it on a part of the road which they thought required it. This was done. The jury have not found but have negatived negligence in digging the drain. The usual flow of the water along this drain has widened and in some parts perhaps deepened it, but there has been no act by either township since 1893 of active interference with the drain. It is alleged, and found by the jury, that the drain has not been kept open, and that this has the effect of flooding plaintiff's land, but does no damage.

Plaintiff acquired this land in 1897 from the former proprietor, Moss, who had laid by and seen the work done without objection, thinking that it would do more good than harm.

Plaintiff brings his action against the Township of Dereham alone; though it was objected at the trial that Bayham should have been made a party as being in joint occupation of the road. The complaint is two-fold: first, that the access of plaintiff to the highway is cut off by the ditch, which has now become in places very wide and deep; and second that his land is flooded by the water brought down by this ditch.

The jury found on the first branch of the case that there was an undue interference by the construction of the ditch with plaintiff's right of access to the town line road, and assessed the damages at $50.

The trial judge laid down the law to the jury in terms to which, as at present advised, I cannot accede, in view of such cases as McCarthy *v* Village of Oshawa, 19 U.C.R. 245, and Williams *v* City of Portland, 19 S.C.R. 159. Nor can I agree that a photograph offered to show the general appearance of the work cannot be admitted without the production of the photographer who took the negative.

But, in the view I take of the case, it is not necessary to consider these matters. The work done by the defendants was clearly work within the authority given them by the statute; the township corporation were not tort-feasors; no negligence is proved; the right, if any, of the plaintiff is for compensation under sec. 437; and the Court has no jurisdiction. I had occasion to consider many of the cases in Smith v Township of Eldon, 9 O.W.R. 963, and many others are referred to in Biggar's Municipal Manual under secs. 437 *et seq.*

Moreover, no right of action or for compensation is found in this plaintiff. Everything done by defendants was done years before he became owner of the property, and the right if any, is in the previous owner: Partridge *v* Great Western

R. W. Co., 9 C.P. 97; *re* Prittie and City of Toronto, 19 A.R. 503, 522; Regina *v* McCurdy, 2 Ex. C.R. 311.

Somewhat different considerations apply to the other branch of the case. Certain water is brought down by the work, for which defendants are at least in part responsible. This, through the drain being allowed to be partly filled with sand, goes in part upon the plaintiff's land. Had any damage been proved or found, as at present advised I think an injunction might well be granted against the continuance of this state of affairs; and the fact of Bayham being jointly charged with the road would not prevent such injunction being granted against the present defendants. But the jury have negatived damage; and practically the only reason why an injunction could be asked for under such circumstances is that the continuance of the wrong might ultimately turn it into a right, through the operation of the Statute of Limitations.

Counsel for defendants undertakes that the plea of the Statute of Limitations will not be set up in any action or other proceeding to be taken at any time hereafter; such undertaking may be inserted in the judgment, and with this undertaking the appeal should be allowed with costs, and the action dismissed with costs, without prejudice to any action or other proceeding to be taken against either township or both for any future wrong.

(DIVISIONAL COURT.)

Re Rowland and McCallum.

Nov. 18th, 1910.

(Reported in 22 O.L.R. 418.)

The provision of sec. 48 of the Municipal Drainage Act, 10 Edw. VII, ch. 90, that a County Court Judge, upon hearing an appeal from a decision of a Court of Revision, "shall deliver judgment not later than thirty days after the hearing," is imperative.

Prohibition to a County Court Judge against the enforcement of a judgment delivered after the lapse of thirty days from the hearing.

In re Township of Nottawasaga and County of Simcoe (1902) 4 O.L.R. 1, and *in re* Trecothic Marsh (1905), 37 S.C.R. 79, applied and followed.

In re Ronald and Village of Brussels (1882), 9 P.R. 232, and *re* McFarlane *v* Miller (1895), 26 O.R. 516, discussed.

Judgment of Meredith, C.J.C.P., reversed.

Held, by Riddell, J., in granting leave to appeal to a Divisional Court, under Con. Rule 777 (3) (*a*), upon the ground that there were conflicting decisions, that for the purposes of the Rule decisions of the Judges of the Court of Appeal should be considered decisions of "Judges of the High Court."

The Corporation of the Township of McKillop decided to proceed with the construction of certain drainage work under the Municipal Drainage Act, 10 Edw. VII, ch. 90, pursuant to a petition signed by a sufficient number of ratepayers, of whom McCallum was one. The township corporation employed an engineer to make a report. His report was made on the 4th April, 1910. A by-law was provisionally passed on the 30th April, 1910, and notice in accordance with the requirements of the Act duly served on all persons interested. No motion was

made to quash the by-law. Michael Rowland, a ratepayer, appealed against his assessment for the drainage work. The appeal first came before the Court of Revision, and was dismissed on the 17th June, 1910. An appeal was then taken by Rowland to the Judge of the County Court of Huron, pursuant to sec. 44 of the Act. This appeal was heard on the 30th August, 1910. On the 29th September, 1910, the County Court Judge gave a judgment by which he purported to set aside the whole drainage scheme—as if the application had been under the Ditches and Water Courses Act. McCallum and the township corporation thereupon applied for an order of prohibition, which was granted by Falconbridge, C.J.K.B., on the 21st October, 1910.

On the 24th October, 1910, the County Court Judge gave another judgment, as if upon the same appeal which he had purported to dispose of by his judgment of the 28th September. By this second judgment he allowed Rowland's appeal, reduced his assessment by $50.00, and directed payment to him of $15.50 for disbursements.

A new application for prohibition was then made on behalf of McCallum and the township corporation, upon three grounds: (1) that the judge was *functus* after having delivered judgment on the 28th September; (2) that the judgment was of no effect, in that it did not apportion the reduction over the remaining property; and (3) that the judgment was pronounced after the expiration of more than thirty days from the hearing contrary to the provisions of sec. 48 of the Act.

November 18. The motion was heard by Meredith, C.J.C.P., in Chambers.

H. S. White, for the applicants.

W. Proudfoot, K.C., for Michael Rowland, the respondent.

MEREDITH, C.J. (at the close of the argument): I think that this motion must be dismissed. It is perhaps difficult, in view of the decisions, to be absolutely sure of what the proper construction of the statute is.

The strongest case that can be invoked in favour of the motion is *in re* Township of Nottawasaga and County of Simcoe (1902), a decision of the Court of Appeal, reported in 4 O.L.R. 1. The question there arose upon a provision of the Assessment Act dealing with the equalization of assessments. An appeal was given to the Judge of the County Court, and the provision of the Act was, after providing for the time within which the appeal was to be launched, that "the judgment of the said Court" shall not be deferred beyond the 1st day of August next after such appeal." It was held that compliance with that provision was imperative, and that after the 1st day of August the County Court Judge was *functus*.

In delivering judgment, Mr. Justice MacLennan, at p. 19, after referring to the inconvenience that would result from whichever construction was put upon the language of the statute, that in the event of it being determined that the provision was not imperative it might delay the imposing by the county council of the rate and tie up the whole matter until the judgment was delivered, while, if it was held to be imperative and the judge was *functus*, then the right which was intended to be conferred by the appeal was gone without any fault, it might be, of the appellant, uses this language: "I think it is impossible to disregard the prohibitory language of the Legislature. The judge is *forbidden* to defer his judgment. It is not merely *shall* do something, as that he shall give his judgment on or before the 1st of August, but he *shall not* defer it beyond that date. He is bound so to regulate the proceedings before him that he may comply with the

statute. He had the power to do that. He could assign to the parties, and reserve for himself, what he deemed a reasonable share of the time at his disposal. I am unable to see that to hold the word "shall" to be obligatory is either inconsistent with the context, or inconsistent with the intent or object of the Act, and therefore, as required by the Interpretation Act, it must be held imperative." Neither of the other judges who delivered judgment deals with it exactly in the same way, although Mr. Justice Osler, at p. 15, referring to the view that it was not imperative, says: "Opposed, however, to this view are the considerations that the words of the subsection are in the emphatic negative form, '*but* the judgment *shall not* be deferred beyond the 1st day of August,' and not only so, there is an excepted case, 'except as provided in secs. 58 and 61,' in which it seems to be implied that judgment may be so deferred. The force of this exceptive language, as abiding the construction of what follows it, as imperative and prohibitory, is weakened by the fact that it may not be very easy to apply the exception." So that both of those learned judges put emphasis upon the negative form in which the provision of the statute was couched. Chief Justice Armour quotes the language as to the judgment not being deferred, but apparently does not emphasize those words as do the other two judges.

Then as opposed to that there is the case—perhaps not as opposed, but as more applicable to the case in hand—which Mr. Proudfoot refers to, *re* McFarlane *v* Miller (1895), 26 O.R. 516, where the question arose upon the Ditches and Water Courses Act, and the language of the provision under consideration (subsec. 6 of sec. 22) was: "(6) It shall be the duty of the judge to hear and determine the appeal or appeals within two months after receiving notice thereof from the clerk of the municipality as hereinbefore provided." It was held that that was not an imperative provision having the effect of making the judge *functus* after the expiry of the two months.

It was much easier to give that effect to that provision than it was to so construe the provision that the Court of Appeal had to deal with; and perhaps than it is for me to construe as directory only the provisions of the section in question, because the language, "It shall be the duty of the judge to hear and determine," indicates that this was intended as the mandate to the judge rather than a limitation of the time within which he should have jurisdiction to act.

However, as far as it goes, that case helps the view of the respondent.

The provision of the statute upon which Mr. White's argument is based, sec. 48 of the Municipal Drainage Act, 10 Edw. VII, ch. 90, reads as follows: "48. At the court so holden the judge shall hear the appeals and may adjourn the hearing from time to time, but shall deliver judgment not later than thirty days after the hearing."

I think these words are only directory. I think that on the general principles applicable to the construction of such a statute as this, that is the proper meaning to be given to the section. The provision ought to be treated as directory only if the language used permits, when the consequence of treating it as imperative would be that, owing to no fault of the appellant, by the inaction of the judge, the appellant would be deprived of his right to appeal. I think a statute ought not to be so construed unless the language of the Legislature clearly requires that meaning to be given to it.

When the emphasis that was given by the two judges of the Court of Appeal in the Nottawasaga case to the negative form in which the section there under consideration was cast, is considered, that it was a prohibitory section, I think I

am not prevented by that decision from holden the provisions of sec. 48 of the Municipal Drainage Act to be directory only.

The motion must be refused with costs.

Leave to appeal from the order of Meredith, C.J., was applied for by McCallum and the township corporation.

November 25. The application was heard by Riddell, J., in Chambers.

White, for the applicants.

Proudfoot, K.C., for Michael Rowland.

December 1. RIDDELL, J.: I need not reiterate the care which should be taken in applications of this sort to see that the matter comes fairly under the new Con. Rule 777 (1278): Sovereign Bank of Canada *v* Rance (1910), 1 O.W.N. 361; Robinson *v* Mills (1909), 19 O.L.R. 162, at p. 167.

In the present case I think that it can fairly be said that there are conflicting decisions—and, though in one case the decisions are those of the judges of the Court of Appeal, these should, I think, for the purpose of the Con. Rule, be considered decisions of "Judges of the High Court."

I grant leave to appeal under Con. Rule 777 (3) (*a*).

Costs in the appeal.

December 12. The appeal was heard by a Divisional Court composed of Boyd, C., Latchford and Middleton, JJ.

White, for the appellants, argued that the provision in sec. 48 of the Drainage Act of 1910 that the judge "shall deliver judgment not later than thirty days after the hearing" is imperative and not merely directory, citing *in re* Township of Nottawasaga and County of Simcoe, 4 O.L.R. 1. *Re* McFarlane *v* Miller, 26 O.R 516, which is relied on by the respondent, is the judgment of a Divisional Court, and not of equal authority with the decision of the Court of Appeal in the Nottawasaga case, in the argument of which the McFarlane case was cited, though not discussed. Reference was also made to *In re* Ronald and Village of Brussels (1882), 9 P.R. 232, in which Cameron, C.J., thought that a similar provision was directory, but he expressed great doubt on that point, and here the language of the statute is different, and stronger. He also cited *In re* Smith and Corporation of Plympton (1886), 12 O.R. 20, 34. On the question as to whether the County Court Judge had power to alter his judgment in the way he had done, without hearing further argument, and whether prohibition would lie in such a case, the following cases were referred to; *re* Tipling *v* Cole (1891), 21 O.R. 276; *In re* Forbes *v* Michigan Central R.W. Co. (1893), 20 A.R. 584; Jones *v* Jones (1848), 5 D. & L. 628; Irving *v* Askew (1870), L.R. 5 Q.B. 208: Port Elgin Public School Board *v.* Eby (1895). 17 P.R. 58.

W. Proudfoot, K.C., for the respondent, argued that the first judgment being clearly erroneous, and based upon a misconception of the County Court Judge, he was right in making the second order, dealing with the subject-matter actually before him and no further argument was necessary, as all the evidence had been taken and the case had been fully argued. The only difficulty was as to his power to deal with the matter when more than thirty days had elapsed since the hearing, and it was submitted that on this point the court should follow the McFarlane case. The Nottawasaga case was distinguishable, as the decision in that case was based upon "the emphatic negative form" in which the section which was there in question is framed: see the judgment of Osler, J.A., at p. 15 of the case. The Smith and Ronald cases are in favour of the respondent's contention. He referred

to the authorities cited on the argument of the Nottawasaga case, 4 O.L.R., at p. 9, and to Proctor's Drainage Acts, p. 76.

White in reply:

December 14. The judgment of the court was delivered by Boyd, C.: The appeal was heard by the judge on the 28th of August, and he reserved judgment till the 28th September, when he gave an inapt judgment, the enforcement of which was stopped by an order of prohibition. Then, on the 24th October, he proceeded, apparently of his own motion, to give another judgment reducing the amount assessed against the appellant's property from $80.00 to $50.00.

A second prohibition was moved for and refused by Meredith C.J.C.P., following *re* McFarlane v Miller, 26 O.R. 516, rather than *In re* Township of Nottawasaga and County of Simcoe, 4 O.L.R. 1, and leave to appeal was granted by Mr. Justice Riddell.

The language of the statute to be considered is as follows: "At the court so holden the judge shall hear the appeals and may adjourn the hearing from time to time, but shall deliver judgment not later than thirty days after the hearing:" 10 Edw. VII, ch. 90, sec. 48. This section first appears in 57 Vict., ch. 56, sec. 45, and by reference to 55 Vict., ch. 48, sec. 68 (7), appears to be a modification of that section, relating to appeals from the Court of Revision, and this provides: "At the Court so holden, the judge shall hear the appeals and may adjourn the hearing from time to time, and defer judgment thereon at his pleasure, but so that all appeals may be determined before the 1st day of August."

Upon this last cited section (then R.S.O. 1877, ch. 180, sec. 59, subsec. 7) it was held, though with hesitation, by Cameron, J, in *In re* Ronald and Village of Brussels, 9 P.R. 232, 237, 238 (1882), that the words were not apt to express positive prohibition against the judge acting after the 1st August, and he thought that there was still jurisdiction to proceed thereafter.

Under the Ditches and Water Courses Act, 57 Vict., ch. 55, sec. 22, subsec. 6, it shall be the duty of the judge to hear and determine the appeal within two months after receiving the notice. It was held that this limit of time was only directory, by a Divisional Court composed of Rose and Falconbridge, JJ., *In re* McFarlane *v* Miller, 26 O.R. 516 (1895).

In the revision of 1887 (ch. 220, sec. 11, subsec. 5) this subsection had an addition of these words, "but his neglect or omission so to do shall not render invalid the hearing or determining of the appeal after the lapse of that time." The judges seemed to think that these words were dropped because they were of a declaratory nature, and that their omission did not indicate any intention to change the law as it was apart from that declaration.

However this may be, we find the Legislature in 1901 (1 Edw. VII, ch. 12, sec. 22) adding to this sec. 22 the following, "or within such further period as the judge on hearing the parties may decide to be necessary in order to allow proper inspection of the premises," etc. So, as to the particular Act in question as to municipal drainage, we find the Legislature employing "the apt words of restriction," which were not in the original of the section, as it was constructed by Cameron, J., in *In re* Ronald and Village of Brussels.

The judge is now directed thus: He *shall* hear, he *may* adjourn; but *shall* deliver judgment not later than thirty days from the hearing. The effect of the words "shall" and "may" is here emphasized, and it is rather a misfortune than otherwise to see a disposition to read them as interchangeable and convertible. The force of the Interpretation Act was upheld by Armour, C.J.O., in *In re* Town-

ship of Nottawasaga and County of Simcoe, 4 O.L.R. at p. 11; and it appears to me to be a wholesome rule to bring about some certainty in the present flux of judicial opinion. The trend of legislation in this and kindred provisions for drainage suggests to my mind that the time limit prescribed are meant to be observed, and that summary and prompt and well defined periods are given within which to bring to a practical close these disputes of merely local importance. There is sound sense and force in the words of Martin, B., in Bowman *v* Blyth (1856), 7 E. and B. 47, 48; "I do not question that, in construing Acts, language seemingly positive may sometimes be read as directory, yet such a construction is not to be lightly adopted; and never when . . . it would really be to make a new law instead of that made by the Legislature." The recent legislative changes cited by me indicate when the intention is to give latitude and when strictness is to be observed in the judicial operations of the court or judge in these municipal matters. The burden is on the party who claims that "shall" is to be read as permissive and not as peremptory: and the text of this section and its history fortify that position. No reasons appear for any relaxation of the time limit, on the facts of this case.

The method of decision arrived at in *In re* Township of Nottawasaga and County of Simcoe has been followed in the Supreme Court in *In re* Trecothic Marsh (1905), 37 S.C.R. 79.

Where the statute plainly declares that proceedings shall be taken or acts done within a time definitely fixed, it is not well to multiply exceptions so as to hold that the words do not mean what they express, but are movable to suit the exigencies of particular cases.

I would follow *In re* Township of Nottawasaga and County of Simcoe, and hold that the judge was *functus officio* at the end of the thirty days fixed by the statute.

No costs.

(DRAINAGE REFEREE.)

December 14th, 1910.

MARCH *v* HUNTLEY.

MARCH *v* GOULBOURN.

(Reported in 17 O.W.R. 731.)

After delivery of the judgment of Court of Appeal (14 O.W.R. 1,033, 1 O.W.N. 190), the question arose as to the liability of the subservient townships to pay interest on the amounts payable by them by way of contribution to the expenses of the drainage scheme.

Henderson, referee, held, that under sec. 66 of the Ontario Municipal Act, no sum was payable by the subservient townships until the expiration of four months from date of judgment of Court of Appeal, and interest should be computed only from that date.

Elizabethtown v Augusta, 2 O.L.R.; 2 Cl. and Sc. Dr. Cases 370, 378; 32 S.C.R. 295 distinguished. Toronto Rw. Co. *v* Toronto, (1906) A.D. 117; 75 L.J.P. C. 36 followed.

In view of the fact that the question was practically without precedent, costs allowed on County Court scale without any set off.

A. H. Armstrong, Esq., for the Township of March.
W. J. Kidd, K.C., for the Township of Huntley.
L. A. Smith, Esq., for the Township of Goulbourn.

HENDERSON, Referee: These two matters were heard together. They arise out of the drainage scheme which was dealt with by the judgment of the Court of Appeal in the case of Huntley v March, reported in 14 O.W.R. 1,033, the question being as to the liability of the subservient townships to pay interest on the amounts payable by them by way of contribution to the expenses of the drainage scheme, and in the event of there being liability to pay interest, as to the date from which the interest is to be computed.

The litigation between the parties covered a considerable period of time, and was finally determined by the judgment of the Court of Appeal on November 22nd, 1909. The first question for determination is whether, upon a proper interpretation of sec. 66 of the Municipal Drainage Act, the amounts called for by the report as varied by the referee became payable at the expiration of four months from the original service of the report, or whether that period of time should run from the judgment of the Court of Appeal.

The phraseology of the section is not particularly happy, but in view of the fact that the only amount payable is "the sum that may be named in the report . . . or in the event of an appeal from the report, the sum that may be determined by the referee or the Court of Appeal," I am forced to the conclusion that in this case, where there was an appeal carried to the Court of Appeal, no sum can be said to have become payable until at the expiration of four months from the date of the judgment of the Court of Appeal. In other words, I read the Act as meaning that the paying municipality is intended to have a period of four months within which to pass its by-law, settle its assessments and provide funds by debenture or otherwise. If I am right in this conclusion, it follows that each of the defendant townships became indebted to the plaintiff township in a certain sum on the 22nd day of March, 1910, and the respective amounts which were respectively paid at later dates should, strictly speaking, have been paid on that date. The principal of these amounts were actually paid, and the question remaining to be determined is as to whether or not the plaintiff township is entitled to recover interest upon them from the date upon which they became due.

Mr. Armstrong relies particularly upon the result of the case of Elizabethtown *v.* Augusta as reported on page 370 of the second volume of Clarke and Scully's Drainage Cases, and because of the fact that interest was allowed in that case from the expiration of the four months from the date of the service of the report, he thinks that the same order should be made here, and that the section of the Act should be interpreted so as to require the making of such an order. In that case there was an outstanding dispute from the beginning as to the liability of the defendant township in the whole. There was no question of equalization of assessments as between the municipalities and the question as to the propriety of allowing interest or as to the date from which interest should be allowed is not anywhere discussed in the course of the judgment. I have read the whole case carefully, and I cannot find that it is of any assistance except in so far as it lays down the principle, at the page which I have mentioned, that wherever there is a statutory duty or obligation to pay money, such as we have here, an action will lie for its recovery, unless the statute contains some provision to the contrary.

The points argued by Mr. Kidd appear to me to be fully covered by the case of Toronto Railway *v.* Toronto City (1906), A.C. 117; 75 L.J.P.C. 36, to which I will refer later.

Mr. Smith raises two somewhat ingenious contentions. The first is that where an action is brought under a statute creating a special liability in which the subject of interest is ignored, the general rule is that interest is not recoverable. (See Am. and Eng. Ency. vol. 16, p. 997). But the reason for that rule which follows Mr. Smith's citation shows that it is intended to apply in cases where the particular statute prescribes and limits a measure of damages, inferentially excluding a recovery of interest as damages. Here the interest, if payable at all, is not payable as damages, but as interest upon a debt, and the rule to which Mr. Smith refers cannot apply. The other point is taken from the same volume of the encyclopedia at 1034, and it is that where the creditor accepts the principal money without interest, even though at the time he claims a right to interest and expresses a determination to assert it, his acceptance has the effect of extinguishing a further claim to interest. Here again, it will be seen that this is intended to apply to a case where there is a liability for interest as damages, and I cannot understand any principle upon which the same rule could be applied to a claim for interest on a debt. See McKay *v* Fee, 20 U.C.R. 268.

There being interest payable by statute upon an ascertained debt, the second branch of sec. 51 of the Judicature Act applies. As pointed out by the late Mr. Justice Street in the Toronto Railway case, that branch of the section is very loosely expressed, but the interpretation placed upon it by the Judicial Committee in that case seems to leave no difficulty as to its application to the facts of this case. Their Lordships say that the effect of this enactment is that in all cases where, in the opinion of the court, the payment of a just debt is being improperly withheld, and it seems to be fair and equitable that the party in default should make compensation by payment of interest, it is incumbent upon the court to allow interest for such time and at such rate as the court may think right. This is what the court assumes that it would be usual for a jury to do.

Applying this simple rule to this case we have the fact that the debt became payable on the 22nd March, 1910. It is a matter of coincidence that the plaintiff township completed its own by-law and issued its debentures just twelve days before that time, and that the contract had been let a week before that date. It was and is fair and equitable that all parties should be placed upon the same basis as to their financial affairs, in so far as the statute will permit. It is true that the plaintiff township had incurred liabilities and paid out considerable sums of money before that time, but in the final statement of accounts they will be allowed to charge against the scheme such reasonable amounts for interest as they were compelled to pay on their outlays prior to the sale of their debentures. All parties were, therefore, in the same position at the expiration of the four months period, except possibly as to the few days which had elapsed since the sale of the debentures of the plaintiff township. On that date their share of the money was on deposit in a savings bank bearing interest at the rate of three per cent. per annum. Had the other townships paid their money these would have been similarly placed on deposit at similar interest. I have, therefore, concluded that a fair and equitable order is that the defendant townships should make compensation by payment of interest at the rate of three per cent. per annum from March 22nd, 1910, until the respective dates on which their respective amounts were actually paid, and an order may issue accordingly when the proper calculation

has been made. As to this the parties may apply later if they cannot agree upon amounts.

In arriving at this conclusion I do not overlook the fact that there were delays and difficulties encountered by the defendant townships as disclosed by the affidavits filed, of such a nature that in one sense they cannot very well be held blameable because of any intentional delay. This must be their misfortune, because the period is fixed by statute and it is a period as to the reasonableness of which I have nothing to do.

The judgment will be for the plaintiffs in each case for the amount computed as aforesaid. In view of the fact that the matter is practically without any precedent, I think that it is fair that costs should follow on the scale of the County Court without any set off, and that all amounts payable should be properly chargeable by each party as against its own interest in the drainage scheme. Excess costs of all parties as between solicitor and client, should be properly chargeable against the share of each in the drainage work.

The plaintiff will affix to these reasons $4 in stamps as for one day's trial, and will pay to the clerk of the County Court $4 as his fee under the statute.

(COURT OF APPEAL.)

December 19th, 1910.

City of Stratford *v.* Township of South Easthope and Township of Downie.

(Reported in 17 O.W.R. 830 and in 2 O.W.N. 388.)

In 1909 Kalbfleish and other interested landowners presented a petition to the council of the township of South Easthope, asking that action be taken in connection with a drain which was out of repair and considered insufficient. The council appointed John Roger, C.E., under the Municipal Drainage Act, to examine and prepare a scheme and assessment, which was done.

Roger, C.E., reported that these lots in South Easthope, and certain lands in the township of Downie and in the city of Stratford, would be benefited by the proposed drain, and that all three municipalities should be assessed accordingly. His report stated that there would be a sufficient outlet.

Official drainage referee, on appeal by Stratford, found the proposed outlet insufficient, and that the assessment in the city was unwarranted.

Court of Appeal, on appeal by South Easthope, held that it was a question of evidence, that the expert evidence was directly in conflict, but that the great weight of evidence was in favour of the report of the engineer. Appeal allowed and the report of the engineer confirmed with costs throughout.

An appeal by the township of South Easthope from a judgment of the drainage referee pronounced 21st April, 1910, setting aside the report of John Roger, C.E., an engineer appointed under the provisions of the Municipal Drainage Act, in respect of a proposed drain called the Kalbfleish drain.

The initiating municipality was the appellant township, and the proceedings were duly served upon the other municipalities interested, namely, the city of Stratford and the township of Downie.

The appeal to Court of Appeal was heard by Hon. Sir Charles Moss, C.J.O., Hon. Mr. Justice Garrow, Hon. Mr. Justice MacLaren, Hon. Mr. Justice Meredith, and Hon. Mr. Justice Magee.

G. G. McPherson, K.C., for the appellant township.
R. S. Robertson, for the city of Stratford.
M. Wilson, K.C., for the township of Downie.

Hon. Mr. Justice GARROW: Several matters were argued before us by the learned counsel who appeared for the various municipalities interested, not all of which, in my opinion, require extended consideration, especially in the view which I take of the main contention, namely, that the Waldie drain is, in fact and in law, a sufficient outlet for the waters proposed to be brought by the proposed drain, as in my opinion, upon the evidence, it is.

Upon the minor question of the assessments for outlet liability of the lots in the city of Stratford lying to the east of Downie Street, amounting in all to a few dollars, I will only say that although the evidence is not entirely satisfactory, I would not in such a trifling matter, especially where the owners themselves are not complaining, have interfered with the report.

Upon the other or main question some examination of the facts and of the evidence is necessary.

The report of the engineer should stand unless upon reasonably clear and satisfactory evidence it is shown to be erroneous. And I am quite unable to find such evidence in the case as presented to us.

The Waldie drain was constructed in the year 1902. To that scheme the same three municipalities were all parties. It discharged its waters into what is called Erie creek, a running stream which empties into Romeo creek, and through the latter reaches the river Avon in the city of Stratford.

The Waldie drain, for some distance, occupies what was the course of Erie creek, which is the case at the point at which it is proposed to make the outlet of the Kalbfleish drain.

As far back as the year 1892, there was what is called an award drain, made under the provisions of the Ditches and Watercourses Act, which emptied at the same point first into the stream, and after the Waldie drain was constructed into it. And the Kalbfleish drain is, as the evidence shows, simply a substitution of it for the earlier award drain. The old drain, which passes through the same territory, is wholly an open ditch. The new one is to be tile in the bottom, covered in and closed above, until it reaches the highway, and after which, while the tile is continued beneath, there is to be above it an open ditch down to the outlet, the whole, as the engineer says, not exceeding in capacity the old open ditch, and not intended to carry, and not carrying, into the Waldie drain, more water than did the old, but which, by reason of its greater depth, will afford facilities for underdraining. And it is apparent that if that is the correct conclusion of fact, this is in effect only a belated appeal from the Waldie Drainage Scheme, and ought not to succeed. For, whatever may be the consequences (and I must say I do not share the apprehensions of the learned referee), the city cannot now be heard to complain of a condition which has continued throughout the period since the Waldie drain was authorized.

The question is, of course, one of evidence, and of expert evidence at that. And we have the quite too common experience of experts on both sides apparently contradicting each other. Mr. Ferguson, the city engineer, and Mr. Baird, are the

experts called upon the part of the city; and Mr. Davis, Mr. McCubbin and Mr. Roger in support of the report. Mr. Ferguson's evidence is in small bulk. He has been city engineer for only two years, and knows nothing of the condition before the construction of the Waldie drain. He has had no experience in drainage matters other than in the city. Asked by counsel for the city, after an adjournment, apparently as an afterthought, this question: "Q.—Just one question I omitted to ask you—Will the proposed drainage work bring down larger quantities of water at flood times?" He answered, "Yes, it will." That is the whole of his evidence in his examination-in-chief on this important subject, and his cross-examination adds nothing further of the weight or consequence. The evidence of Mr. Baird, the other expert called by the city, is as follows:—

"Alexander Baird, sworn.

"To Mr. Robertson:

"Q.—Mr. Baird, you are a civil engineer?

"A.—Yes, sir.

"Q.—You have gone over the plans and report and other papers connected with this proposed drainage scheme?

"A.—I have the report, and looked over the plans.

"Q.—You have also driven over the grounds?

"A.—Partly, I believe.

"Q.—That is the lower part. Now, what will the effect be in the way of bringing down water into what we have been calling the Erie Street creek?

"A.—The effect must be more water comes down, or there would not be any use putting in drainage.

"Q.—Will it come down more rapidly in larger quantities?

"A.—Yes, during the time of freshet it will.

"Q.—The suggestion is made that putting in this tile will have quite the opposite effect; what do you say as to that?

"A.—It will not, in time of freshet; in time of freshet it will increase it during heavy, continuous rainstorms.

"Q.—What about it in the spring-time?

"A.—In the spring, unless in a freshet, it will go off more gradually, that is it will get into the tile and the tile will start it working.

"Q.—I am speaking of our ordinary spring freshet—rain, snow?

"A.—When both are working together, the tile and overflow drain, there will be a greater flow of water at any particular time come into the creek.

"Mr. McPherson: No questions."

Those extracts contain the whole of the attack made by the experts upon the report. Mr. Ferguson, a city employee, knows nothing of the earlier conditions of the old award drain, apparently took no measurements and made no examination, and yet was willing to pledge his oath that more water will come down, a thing he could not possibly know unless he also knew the capacity of the award drain.

Mr. Baird is not asked, and so far as appears, knows nothing of the earlier award drain or of its dimensions. He had not been over the whole ground, at best, only the lower and least important part. He had, he says, gone over Mr. Roger's report and looked at the plans, which would not have taken him many minutes, as both are very simple, and having thus qualified himself he does not hesitate to endorse the view of Mr. Ferguson, the city engineer.

Opposed to this is the evidence of the engineer, who supports his report in what seems to me a satisfactory manner. He says, and he must know if anyone

does, that the new drain will not exceed the old in capacity, will, indeed, have less capacity. It will operate differently, because closing the upper end of the ditch will retard the rush of water towards Waldie's drain in the spring freshet, and the lower tile drain will, meantime, be gradually carrying away a part of what would otherwise have gone to swell the freshet. No one suggests danger at any other time, so that anything which moderates the dangerous consequences of freshets is a gain to the city and not a loss.

Mr. Davis stated that the proposed scheme will not bring any more water, if it brings as much, as did the award drain, especially during the spring freshet, "because the present award ditch is an open drain from one end to the other, the new drain will be open only along the road allowance, the remainder of the drain through the fields will be covered up to the level of the natural ground, and during the spring freshet the surface water getting that portion of the area will get away much more slowly than it did formerly—it will spread over a longer period because there is no open waterway to get it away, and at that time it can't get into the tile drain quickly."

All this seems to me to be perfectly reasonable and convincing, much more so than the more *ipsie dixit* of the city's expert. And in addition there is the evidence of Mr. McCubbin, also an engineer, who gives the opinion in briefer but similar terms. Asked by the learned referee, he says he understands the scheme, and he epitomizes it very tersely thus: "I don't think the proposed drainage scheme will have any material effect on these culverts (culverts in the city at which danger in times of flood is apprehended), for this reason the whole of this drainage scheme, as proposed, consists of putting a 12-inch tile in the bottom of an open drain that is already there."

The mere weight of evidence, to say nothing of its apparent quality, was thus in favour of the report, which, under the circumstances, should not, in my opinion, have been disturbed, especially as the learned referee expressly declined to reach a conclusion adverse to it upon this vital point. His real objection appears to be not that more water is to be sent down, but that any should be sent through the middle of the city in an open drain. He does not deny that the exit into the Waldie drain is a sufficient outlet under ordinary circumstances within the meaning of the statute. The injury he anticipates is further down, about half a mile apparently, where the Waldie drain has merged into the Erie creek. And he adds: "But at the same time (apparently summing up), I find as a fact that the water discharged into the Waldie drain by the present award drain, and the waters which would be discharged by the proposed drain if it were constructed, would very materially affect the situation at the culverts referred to on Erie street, and would occasion injury at that point."

I confess to some difficulty in understanding what is meant by adding to the waters discharged into the Waldie drain by the award drain, those which would be discharged by the new substitutional scheme. There are not to be two systems, but one. The first has existed since long before ever the Waldie drain was made, the other is only intended to take its place. That is the clear result of all the evidence. And under the circumstances the only possible question must be the one which I have ventured to propound, and to which the evidence was, as I supposed, directed, namely, will the substituted scheme materially increase the burden of water being carried in the Waldie drain, or will it not? If it will not, the objection of the city to the new scheme is left without any foundation on this point.

For these reasons I would allow the appeal with costs.

Hon. Sir Charles Moss, C.J.O., agreed.

Hon. Mr. Justice McLaren: This is a question of evidence. As is usual in such cases, the expert testimony is directly in conflict. A careful perusal satisfies me that the great weight of evidence is in favour of the report of the engineer, and I do not think the present respondents produced such evidence as would justify the setting aside of his report, as he had a more perfect knowledge of the situation and had made a more thorough examination than those who criticized the scheme. Even the referee found that the engineer who made the report had a wider experience in the particular class of work proposed than those who took a contrary view, and says that he came to the conclusion he did with much hesitation. Adopting the view most favourable to the respondents, I think it would have been a proper case for the application of the maxim that to doubt is to affirm.

With great respect I have come to the conclusion that the learned referee erred in setting aside the report, and am of opinion that the appeal should be allowed.

Hon. Mr. Justice Meredith (dissenting): The main question is whether there is sufficient outlet for the new drain.

The engineer, in making his report, certified that he had examined the outlet and found it to be sufficient; in truth he made no such examination, and indeed had not been over it for about nine years. Notwithstanding that fact, the scheme is endeavoured to be supported in this way; there is an existing drain with an outlet in the same course, and it is asserted that the new drain will not increase the flow of water, at any one time, beyond that which, under the existing drain, would go in the same way.

If that were the fact it would become necessary to consider whether those interested in the new scheme could thus appropriate to themselves the rights of those concerned in the other scheme; but it is not, as I find, the fact; and so it is not necessary to consider the question.

But a very much wider claim was made by counsel for the corporation least interested in this matter, the claim that the scheme of drainage now in operation might be so enlarged as to carry ten or twenty times the quantity of water, so long as it was confined to the same drainage area; that is to say, that a drain might be deepened, widened and altered to any extent against the will of those upon whom the burden of a specific drain of limited depth and width and of defined course had been imposed. A claim which seems to me to be so manifestly fanciful as to need no refutation.

The evidence makes it quite plain that under existing circumstances the waters are, in flood time, a menace to property in Stratford; that they have come perilously near to flooding parts of the city through which they flow; a peril which is sure to increase rather than diminish as more lands become better drained and more waters find their way into this watercourse as they will from time to time, so that it is quite obvious that the city should be on its guard against any undue use of the stream, any sort of increase of the waters at flood time, without a corresponding increase in the culvert capacity for carrying them off.

It ought to be abundantly clear that no one should have a right thus to put the property of another in jeopardy; that so long as there is any such danger there cannot be a sufficient outlet.

Flood water is a dangerous element which no one has a right to discharge upon his neighbours, except as the law provides. In this case the law permits of the discharge of the water, provided there is a sufficient outlet for it; and so it is, in my opinion, the duty of the referee to be fully satisfied, upon the evidence, of the

sufficiency of the outlet before giving any sanction to the scheme. The risk ought not to be put upon him who is to carry his neighbour's burden; he who is getting rid of the burden should make sure provision against it injuring his neighbour; and the greater the injury would be, the greater the care should be to prevent it.

The appellants are seeking to disturb the existing state of affairs, to almost completely alter the character of the existing drain; they are, therefore, in my opinion, in that position in which they are bound to make it plain that the outlet is sufficient; in which they should take the risk; not shift it upon their neighbour; and as that has not been done the learned referee was, in my opinion, quite right in refusing his sanction to the scheme, and in setting it aside.

Also, I find, without any hesitation, that the new scheme would very materially increase the flow of water in high freshets. The very purpose of the rather costly scheme is to carry off a very greatly increased quantity of water; to drain the whole large area a depth of about two feet more. It has to be admitted that such is the purpose of the scheme, but it is said that the water will be taken off more gradually, that the tiles will be running some time before the open drain would, after the breaking up of winter; and of course that is so; but it overlooks the flood times, when the waters are so great and come so quickly that all the drains cannot carry them off. At such times the scheme must either carry much more water or else prove ineffectual to the injury of those it is intended to benefit. I can have no manner of doubt that at such times the flow will be very materially increased; that greatly increased volumes of water will find their way down and over the newly constructed drain, increasing greatly the danger of flooding in Stratford.

There is conflicting testimony upon this subject, but that adduced for the respondents carries greater weight in my mind; two competent engineers both testify to the increased flow in unhesitating and emphatic language; on the other side, the engineer who prepared the scheme testified to the contrary; but in what seems to me to have been a good deal less than a whole-hearted fashion, as might well be in one who prepared the scheme without looking over the outlet or having seen it for nine years, and who was not familiar with the changes in the meantime. Another engineer, when recalled for the purpose, testified that the flow would not be increased, but on cross-examination it appeared that he was not altogether familiar with the first existing state of affairs, nor, perhaps, then very confident of his first expressed opinion. Another well-known engineer was examined as a witness for the appellants and said: "As a matter of fact, I don't think this proposed work will have any noticeable effect on the water which will pass through these culverts: "I cannot think that is enough to meet the case made for the respondents; no one can leave the whole evidence without a strong feeling that if the scheme is carried into effect the city is going to carry the chances, and no small ones, of being flooded; and that, as I have already said, ought not to be.

I know of no reason why the testimony, or the work of the engineer whose drainage scheme is in question, should carry any extraordinary weight, he is an officer of one of the litigant parties, and was giving evidence in support of his own work; on the contrary, both should be the more carefully scrutinized because of his interest, and natural inclination in supporting the scheme. On the other hand, I am quite sure that the findings of facts, upon conflicting evidence, by a judicial officer, such as the drainage referee, whose experience in drainage matters must be much greater than ours, and who had the additional great advantage, which we have not, of not only having seen and heard the witnesses, but also of a personal inspection of the place in question, ought not to be reversed, even though we

might feel that upon the case, as it now appears, we probably would have reached a different conclusion if considering it in the first instance. That, however, is not the case; I am quite sure that his conclusion was right. There is no reason why the appellants may not have their drainage, but they must go about it in a reasonable way, and a reasonable way would include, at least, an inspection of the outlet at the outset, and the taking of all reasonable precautions against the flooding of any part of the neighbouring market town.

I would dismiss the appeal.

Hon. Mr. Justice MAGEE: The townships of Downie and South Easthope adjoin the south side of the city of Stratford, the former township being west of the latter. The road allowance forming the southerly boundary of the city is called Lorne Avenue. Erie Street runs from it north-easterly through the city in continuation of a highway in Downie. Over a mile farther east along Lorne Avenue is Downie Street, which runs north-westerly in continuation of the town line or highway forming the boundary between the two townships. A natural water course called Erie creek, formerly Shakespeare Ward creek, runs across Lorne Avenue and northerly through the city into Romeo creek, which in turn runs into the river Avon. In its course Erie creek crosses Erie Street three times, and for a considerable distance runs alongside it.

In the year 1904 under a by-law of Downie, dated 24th June, 1901, an open drain called the Waldie drain was constructed for the drainage of a tract of land in Downie. That drain empties into Erie creek near the city boundary; and for it the creek was widened, deepened and straightened in various places. That Waldie drain incorporated in its course other existing drains. There had been, and is another open drain which may be called the award drain, constructed about 1893, under an award pursuant to the Ditches and Water Courses Act, for the drainage of an area in South Easthope extending into Downie, and to a small extent into the city. It runs across eleven lots (Nos. 36 to 46), in the third concession of South Easthope to Lorne Avenue, which is the northerly boundary of that concession, and which it reached some 700 feet east of Downie Street, and then ran along the southerly side of Lorne Avenue 5,435 feet till near Erie creek, and then south-westerly a short distance till it reached what is now the Waldie drain, into which it empties in Downie. The lands and roads served by this award drain in Downie and Stratford, and four of the lots in South Easthope (lots 43 to 46), were assessed for the Waldie drain as gaining a better outlet thereby, but it seems that Stratford disputed the liability and was never called upon to pay; Downie assuming the amount, which was only $60.00.

In May, 1909, under instructions from the council of Downie, Mr. Rogers, the engineer who constructed the Waldie drain, made an examination and reported proposing to have it cleaned out to its original depth, and he assessed therefor against the lands in Downie and 4 lots in South Easthope, but not any lands in Stratford. Both in 1901 and 1909, Mr. Rogers reported that he found the outlet for the Waldie drain was sufficient.

In 1909, the award drain being out of repair, and considered insufficient, the usual petition of landowners interested, including a Mr. Kalbfleisch, was presented to the council of South Easthope, who thereupon instructed Mr. Rogers to examine and prepare a scheme and assessment. His report, dated 23rd August, 1909, recommended following the course of the award drain across the two westerly lots in South Easthope—lots 45 and 46—and thence westerly along Lorne Avenue and turning into the Waldie drain as before, but deepening the award drain by laying

beneath it a covered tile drain, nearly all 12 inches in diameter, the covering of earth through the greater part of its length being 2 feet thick. Above this covering along Lorne Avenue would be an open drain. He also proposed the construction of a couple of short lateral branches to the south, the whole to be called the Kalbfleisch drain. He reported that three lots, Nos. 44, 45 and 46, in South Easthope, would be benefited, and lands in Downie and Stratford, and roads in all three municipalities, and assessed accordingly. His report stated that the proposed drain would have a sufficient outlet. The city appealed to the drainage referee against the report on the ground that the outlet was not sufficient and that the roads and lands in the city derived no benefit and were assessed improperly, and at all events excessively, and that the city should be allowed for improvements made by it in Erie creek.

The referee found the outlet insufficient, and also the assessment in the city unwarranted, and now South Easthope appeals from that finding.

In his evidence Mr. Rogers states, and it is not questioned, that the open drain above the tile will not be so deep as the award drain, and that the united capacity of the new tile and open drain will not in fact be so great as that of the open award drain, and that there will be a fall of one foot from the bottom of the tile to the bottom of the Waldie drain, at their juncture. No question is raised, however, as to the efficiency of the proposed work for draining the area interested, but it is contended by the city that Erie creek in its present condition is not a proper or sufficient outlet, and that there will be danger of flooding and injuring property in the city, and that the engineer's report should have provided against that. Mr. Rogers admits that if it were not that the united capacity of his new tile and open drain is less than that of the award drain, it may be it would be possible that there would be a greater volume of water discharged into the Waldie drain in time of freshet, but as the capacity is less and as the tile is at work carrying off the water before the open drain, he claims that by the proposed scheme there will actually be less water discharged by it in time of freshet and the flow will be more steady and gradual. As I have said, on this question of capacity he is uncontradicted, and it is really a very important fact in the case to which the attention of the engineers called for the city does not seem to have been called. Mr. Davis, a civil engineer, also called for South Easthope, points out that the present award ditch is an open drain from one end to the other, and the new drain will be open only along the road allowance, and the remainder of the drain through the fields will be covered up to the level of the natural ground, and during the spring freshet the surface water getting in that portion of the area will get away much more slowly than formerly, and will spread over a longer period because there is no open waterway to get it away. This fact of there being no open ditch in the fields was also not called to the attention of the engineers examined for the city, and they give their evidence that in their opinion there will be an increased flow in times of freshet apparently without reference to these two important facts I have mentioned. Aside from these facts the two engineers for the city differ in opinion from the three called for the township as to the effect in freshets, and it is only with regard to freshets that any danger is professed to be apprehended. The learned referee expressly abstains from finding that there will, at such times, be an increased flow. Reading the evidence, I would conclude that it is not shown that there would, and that there is no more reason shown for apprehending danger from this new Kalbfleisch drain than from the present one, which has been in operation for about sixteen years.

Then what is the position? Down to the construction of the Waldie drain in 1904, there had been no trouble with Erie creek in the city. Across it, before it

reached Romeo creek, there are at least six bridges or culverts through or under which it flows where it crosses streets. Three of these culverts are at its three crossings of Erie Street. The other three, at three other streets, were constructed by the city in 1909, and each has an archway nine feet wide and five feet in greatest height through which the water flows. Of the three on Erie Street one at the Coghill clothing factory is 9 feet wide and 6 feet high to the crown of the arch, and the other two are smaller. It is at the one near the clothing factory that danger is alleged to be apprehended. Before 1901, there was a large wooden culvert or bridge there, and there had not been any overflow. In 1901 the city put in a stone culvert pipe 45 inches in diameter. In the spring of 1905 there was a flood, and the waters ran across the street and the city paid some $300.00 damages to some residents whose locality, or the basis for whose claim is not shown. Then, in 1905, that culvert was taken out and the present one substituted. No actual trouble, since then, is shown to have occurred, but in the spring of 1909 and that of 1910 the water is estimated, by witnesses for the city, to have risen within nine inches of the top of the arch of the culvert. But, inasmuch as Mr. Coghill, a city witness, says that it did not overflow a certain boulder at his factory which, by measurement, proves to be 32 inches below the top of the arch, the estimated height of waters cannot be relied on. This culvert has wings projecting 12 feet up stream between which the water has to flow and which would manifestly narrow its channel to some extent. Mr. Davis says 18 inches or 2 feet, and there is no evidence to show that the waters of the creek would overflow its natural channel or cause any trouble at any place but at this culvert constructed by the city itself. Except during the spring of 1905, there is no evidence of any overflow, and it would seem that that trouble was owing to the 45-foot pipe being of insufficient size. The learned referee, who had the advantage of a personal inspection of the locality, though not during flood time, speaks of this point near the clothing factory as being the danger point, and he considers that the waters discharged into the Waldie drain by the present award drain, and the waters which would be discharged by the proposed drain (by which, as he assumes, the quantity of water would be the same, I understood him to mean the waters from either the existing or proposed drain), would very materially affect the situation at the culvert on Erie Street, and would occasion injury there, but he gives no indication as to whether, if the culvert were not there, there would be any danger of damages whatever. Very properly he considers that the danger from flood is much more likely to be injurious in a populous district than among farm lands. He is strongly impressed with the undesirability of having an open stream such as this running along an important street in a city such as Stratford, and he says that the people of the township should not be permitted to send surface water in an open drain through the middle of a city in the same way as through the middle of a township, and that no city would deliberately dig an open ditch down the side of one of its important thoroughfares for the purpose of carrying off stream water, and that he deals with the matter entirely as a city and distinct from a rural municipality, and he is satisfied that being in a city this is not sufficient outlet for the proposed drainage work. The learned and experienced referee says the matter must be treated as one of common sense, and, therefore, I do not suppose he desires to draw the conclusion that in all cases the outlet must be covered over when it passes through a city. If he did, or in this case does, I confess I cannot agree with him. The evidence does not, to me, point at all to any such necessity. It does point to the fact that the city, not having appealed against the Waldie drain, did, in the following year after it came into operation, construct too small a cul-

vert. It would be wholly unreasonable now, when no additional water is being brought in, to throw upon the owners of the lands affected by this tributary drain which has been so long in existence, an expense which, so far as it appears, if it were necessary, would be rendered so by the city's own act.

As the outlet was sufficient at the time of the Waldie drain, and these landowners are not increasing the flow at the only times when any danger is suggested, I think it should be held as against the city still sufficient, and a party should not be heard to say that that is insufficient which has been made so by his own act.

The city claimed that it should be allowed something for the cost of constructing the culverts, but inasmuch as they were not placed there for any benefit to the creek, but as a means of crossing it, and in fact, if anything, narrow the creek, instead of allowing the natural flow, and do not, in any way, aid the drainage scheme or protect the adjoining lands, there is no reason for any such allowance.

As regards the assessment of the city for the benefit to the roadway, there is evidence that it would be benefited by the under drainage. As regards the assessment of the lands in the city, none of the owners are objecting to it. There is evidence that drains leading from them towards the ditch on the north side of Lorne Avenue, which in turn drains into the ditch on the south side, the water from which is carried off in part by the tile drain below. The amount assessed is very small and, perhaps, the best test of the benefit is the content of the landowners with the scheme.

I would allow the appeal with costs.

(DRAINAGE COURT.)

McLean v. Euphemia.

Action tried at Glencoe, 3rd June, 1911.

In a case where it appeared that a drainage work had never been completed according to plans and specifications, but where the bench marks and other evidence had disappeared so as to make it practically impossible to accurately ascertain the extent of lack of completion, an order was made requiring the municipality to improve the drain under the direction of an engineer of repute to such an extent as the said engineer might deem necessary to furnish the parties interested with substantial facilities for drainage which they would have enjoyed had the work been carried out in accordance with the original plans and specifications. In lieu of damages the expense of and incidental to this work was directed to be paid out of the general funds of the township.

J. C. Elliott for plaintiff.

M. Wilson, K.C., J. M. Pike, K.C., for defendant township.

Action for a mandamus to compel completion of the Haggarty creek drainage work and for damages.

The Referee: The work in question was done pursuant to a report, plans, and specifications of Geo. A. McCubbin, C.E., and under the supervision of two Commissioners who were members of the township council. When it was approaching completion, several interested ratepayers who did not think it properly done urged the council to have Mr. McCubbin inspect it before the final acceptance from the contractors. The

reeve and one councillor wished this course to be taken, but the two commissioners and the remaining councillor objected, and in the result the work was passed by the two commissioners and paid for. Neither the commissioners nor the contractors had the knowledge or the facilities necessary to enable them to measure up the work from bench marks, and as many of the engineers' stakes had been lost, they were not able to measure it accurately by their own somewhat rough and ready method. This should have been well understood by the members of the council as reasonable men assuming responsibility for the work. The drain was later measured by Mr. McCubbin and also by Mr. Alexander Baird, C.E., both of whom report it to have been substantially incomplete. Both Mr. McCubbin and Mr. Baird are engineers of the best repute and of large experience.

I inspected the locality on the 3rd of June and found nothing calling for especial comment, except the fact that the material taken from the upper portion of the work, that done by Contractor Fennell, had apparently been left on the side of the drain without any attempt to provide a bern or to spread it over the land. There was a great deal of caving in of the sides of the drain, and although the work was done two years ago one could readily believe that much of this was due to the weight of the excavated material. The soil is light, with much sand and gravel, which would readily wash into the drain, the bottom of which is already considerably encumbered with a sediment which is chiefly gravel. On the lower portion of the work done by the Johnstons, the material seems to have been taken well back from the drain as scooped out from the bottom, leaving an excellent bern. It was not properly levelled down, but this is a matter of comparatively small consequence. I should say on the whole that the drain, ragged as it now is, probably looked well at the time of its supposed completion, except as to the disposal of material at the top. Mr. Baird and Mr. McCubbin were both at the inspection and took several levels from bench marks in my presence, tending to verify their former reports. Measurements were also taken of widths, and though it was of course difficult to ascertain the original bottom accurately, there were indications of deficiency at a few places, though generally speaking the drain had been given proper width. Criticism of slide slopes and of some trees and bushes left in the sides, as well as of some alleged improper curves, did not seem to me to be at all serious. On the whole the result of what I saw was to corroborate the evidence of the two engineers, between whom there is no serious difference of opinion.

On the evidence, and as a general result of the inspection, I find that the drain had never been substantially completed, and that as a result the Plaintiff and others suffer injury. Actual money damages are waived so the question of damages was not elaborated.

I am satisfied that both the commissioners and the engineers thought the work complete, being misled by the absence of a number of stakes and their inability to measure from bench marks. Had the council employed an engineer to inspect the work as they should have done in the reasonable discharge of their duty, the trouble would not have occurred, as the contractors who were then still on the ground could have quickly and economically remedied the defects.

They had ample funds for the purpose at their disposal, even without exceeding the engineer's estimate for superintendence, but preferred to divide the whole amount of this estimate between the two commissioners.

The work cannot now be taken to proper dimensions without removal of the accumulated silt, and the excavated material along the top of the creek lines has become so far consolidated with the natural soil that it could not now be disposed

of as intended by the report. Mr. McCubbin is satisfied, however, that by a reasonable expenditure of money in trimming up the banks and removing the more serious defects of grade in the bottom, he can give the parties the substantial drainage to which they are entitled. This he will have to do by day labour, and it would be injudicious to handicap him with specific directions as to what should be done. I have therefore concluded that a fair and reasonable disposition of the action is that an order of mandamus to issue requiring the defendant corporation to improve the Haggerty drain within six months from this date, under the direction of George A. McCubbin, C.E., in such a manner and to such extent as he the said George A. McCubbin may deem necessary to furnish the parties interested in the said drain with substantially the same facilities for drainage and other conditions as they would have enjoyed had the work been carried out in strict accordance with his original plans and specifications for the said drain, and that in lieu of damages the expense of and incidental to the said improvement be paid by the defendant municipality out of its general funds; and that the defendant municipality do pay to the plaintiff his costs of this action on the High Court scale, including in such costs the amounts reasonably paid by the plaintiffs to Mr. A. Baird, C.E., for engineering services preliminary to and during the course of the action, such costs to be also paid out of general funds. The plaintiff to attach $8 in stamps to these reasons as for two days' hearing and to pay to the clerk $1 for his attendance at the trial.

(COURT OF APPEAL.)

March 8th, 1911.

McLaughlin *v.* Township of Plympton.

(Reported in 18 O.W.R. 417 and 2 O.W.N. 845.)

Plaintiff brought action to recover $1,000 compensation for damages alleged to have been caused to his lands by a drain constructed by defendant township. Defendants pleaded in answer that they had entered into an agreement with a former owner of plaintiff's land whereby he was to be relieved of any assessment for the drain on terms that he would take the burden of the waters which might come to his lands and supply a sufficient outlet. Plaintiff contended that this agreement was unauthorized and illegal.

Court of Appeal *held* that an agreement might be one which no Court could enforce, but still be a complete defence of leave and license: That when the agreement was made the parties knew they were dealing with a statutory drain, subject to repair and improvement from time to time: That plaintiff stood in the shoes of his vendor from whom he purchased with notice and could not now be heard to complain: That he had suffered no damage, as he could extend the drain on his own property to a proper outlet. Action and appeal dismissed with costs.

An appeal by the plaintiff from a report of George F. Henderson, K.C., Official Drainage Referee.

The appeal to Court of Appeal was heard by Hon. Sir Chas. Moss, C.J.O., Hon. Mr. Justice Garrow, Hon. Mr. Justice MacLaren, and Hon. Mr. Justice Magee.

A. Weir, Sarnia, for the plaintiff, appellant.
W. J. Hanna, K.C., for the defendants, respondents.

Their Lordships' judgment was delivered by

Hon. Mr. Justice GARROW: On May 1st, 1906, the plaintiff purchased and now owns lot No. 24, in the 13th concession of the township of Enniskillen, from one Hugh McCorkingdale, who had previously owned it for a number of years. The lot abuts upon the boundary line between the townships of Enniskillen and Plympton. There had been constructed in the latter township a drain called the Tait drain, upon or under what authority is not very apparent on the evidence. In the year 1894 the defendant council was served with a notice in writing by one Alexander Tait, a ratepayer, stating that his drain was out of repair and requiring the same to be repaired. The council thereupon employed an engineer, Mr. John H. Jones, to make an examination and to prepare plans, specifications and estimates of the work required to be done, and to make an assessment of the lands and roads to be benefited by such repairing. Mr. Jones afterwards made a report, dated August 15th, 1894, in which he stated that he found the drain to be out of repair and that its then outlet was insufficient and practically useless, and recommended that the drain be repaired, and in order to prevent damage to adjacent lands, that a new outlet should be constructed which would convey the waters across the town line between the townships of Enniskillen and Plympton, and through the lot now owned by the plaintiff in the former township to Bear Creek.

In the assessment as made by the engineer and set out in his report, the plaintiff's lands were assessed for $100, being $80 for the benefit and $20 for outlet. And Hugh McCorkingdale was to be allowed for right-of-way and for farm bridge $60.00.

Notice was given to the parties interested, and afterwards, on September 20th, 1894, the report was accepted and the clerk instructed to prepare a by-law accordingly.

The report, plans and specifications were apparently served on the officials of the township of Enniskillen, but whether the council of that township ever passed a by-law does not appear.

After the defendant council had adopted the report, Hugh McCorkingdale made a complaint, the exact nature of which does not appear, except incidentally, which by resolution dated October 18th, 1894, was referred to the township solicitor "for his approval." What really happened is very probably what is described by a witness, Mr. Bridekirk, who says: "I heard him (McCorkingdale) at the council. He agreed to take the water away himself and he would guarantee to give them an outlet just like that in the scheme. That was before the council assembled at the town hall. That was at the town hall when the council was seated around the table." And it was, doubtless, this offer on the part of McCorkingdale which was referred to the solicitor for his approval. Then apparently the agreement between McCorkingdale and the defendants set out in the defence was prepared and executed. It is dated October 30th, 1894, and was registered on November 3rd, 1904. On November 15th, 1904, the defendant council passed a resolution rescinding the resolution of September 20th, adopting the report, etc., and passed another resolution in its stead adopting the report as amended and instructing the clerk to prepare a by-law in accordance with the same. The amendment consisted in ending the drain at the town line at the plaintiff's land, and dropping the plaintiff's lands from the assessment in apparent pursuance of the terms of the agreement before

referred to. The by-law was finally passed on December 28th, 1894, and the improvements in the drain as therein provided shortly afterwards made. The waters crossed the town line through a culvert then in the highway, and passed into the lands of McCorkingdale at a low spot adjoining the highway, which he seems afterwards to have deepened and extended in the direction of the ravine, this also being apparently in pursuance of the agreement. And this condition of things continued until the year 1907, when another complaint in writing was made to the defendant council that the outlet of the Tait drain was again out of repair and requesting the council to have it repaired in accordance with the Drainage Act. The council thereupon called upon Mr. A. T. Code, an engineer, to make the necessary examinations, etc., which he did, as appears by his report dated May 9th, 1907, in which, among other things, he said: "To save the town line road grade it will be necessary to change the course of the drain slightly. . . ." "The fall into the gully is good at the outlet, and with the work proposed the drain will be efficient."

The work which he proposed, among other things, straightened the course of the drain as it proceeded southerly, passing it through the town line, in a new culvert a short distance to the east of the culvert formerly used, and making a new place of entrance into the plaintiff's land and the construction of a drain down through his land for some distance until the water was discharged at grade and allowed to find its own way through the ravine to the creek. The excavation in the plaintiff's lands provided for by the report was in all only 335 cubic yards, at an estimated expense of $53.60. In the new assessment made by the engineer no lands in the township of Enniskillen were assessed, but the township was assessed for $28.60, being one-half of the estimated value of the improvement to the highway by the proposed changes, the defendant township being assessed for the other half.

The report of Mr. Code was afterwards finally passed and the work which is therein provided for, including the drain through the plaintiff's lands, was done.

The plaintiff objected while the work was in progress, and finally, on the 20th September, 1909, filed and served upon the defendants notice of action under the Drainage Act. The allegations upon which he relies are (without reference to any by-law or other authority) that the defendants constructed the drain in question, which brings down and discharges large quantities of water upon the plaintiff's lands, that the defendants have from time to time deepened, widened and enlarged the drain, and brought down additional water thereto, thereby greatly increasing the volume and velocity, that the waters complained of were brought out of the natural course, and but for the drainage would not have come upon the plaintiff's lands, by reason whereof the plaintiff's lands have been flooded, his crops destroyed, his use and enjoyment of the lands interfered with, and the lands injuriously affected and the value diminished. And he claimed: (1) $1,000 compensation, (2) $500 as damages, (3) an injunction, (4) a mandamus to compel the defendants to carry their drainage works to a proper and sufficient outlet, and (5) other relief.

The defendants pleaded, denying in general terms the plaintiff's allegations, setting up the agreement as leave and license, that the work was done without negligence under by-laws which authorized what had been done, and that the plaintiff did not file and serve his notice of claim within two years.

The matter came up before the learned drainage referee when witnesses were examined. He held that the agreement was binding upon the plaintiff, and that it authorized what the defendants had done and that in any event the plaintiff had not sustained any damage, and dismissed the action. Mr. Weir, council for the

plaintiff, contended before us that the agreement was unauthorized and illegal, that the report of Mr. Jones was illegally altered, and that it was contrary to the Act to leave the terminus of the drain at an insufficient outlet, all formidable objections if urged by the right person at the right time.

It may even be conceded that these objections, or some of them, would under other circumstances have been insuperable. But the work has now been done. No one proposes to enlarge or extend it. An injunction would therefore serve no useful purpose, and a mandatory order such as is asked would only enure to the plaintiff's own benefit, since the present outlet is sufficient for every one else. And if for his own purposes the plaintiff desires to extend it, no one can or will hinder or prevent him from doing so on his own land.

It has been truly said that such drainage schemes as this are purely local affairs. The inhabitants at large of the municipality are not interested. The corporate officials are really used merely as a convenient agency for the ratepayers within the drainage area, who expect to reap the benefit, and who ought also to bear the burden. A wise agent always follows his instructions, in this case the Statute, and declines to incur personal obligations. And on this principle it is easy now to see that a mistake was made by the defendants in yielding to the suggestion, which undoubtedly came in the first place from the plaintiff's predecessor in title, that the provisions of the Statute should be departed from, and the agreement substituted.

But on what principle can the plaintiff now be heard to complain? He stands exactly in the shoes of his vendor, from whom he purchased with notice. If McCorkingdale could not have complained, neither can he. The defendants are now suing. They are defending themselves against acts which, as alleged, amount to trespasses, neither more nor less, and their defence is substantially leave and license under the agreement. An agreement may be such that no Court would enforce it, yet it may, nevertheless, afford a perfectly good defence of leave and license. Whether this agreement does or not depends upon a reasonable construction of its terms. No one can reasonably doubt upon the whole evidence what was really intended, namely, that if McCorkingdale was relieved of the assessment he would take the burden of the waters which might come to his lands and supply a sufficient outlet. The agreement otherwise would have been entirely inadequate, and have had no real meaning as applied to the circumstances. And the subsequent conduct of McCorkingdale in digging a connecting drain in his own lands makes it very plain that he so understood it. It is not, however, clearly expressed how he was to dispose of the water, and that is the advantage which, not too honestly, he seeks to take. He is, however, bound by the express terms of the agreement. And the agreement does expressly say that McCorkingdale grants to the defendants "the privilege and right at all times thereafter to connect the said outlet drain with the said gully or ravine, and to suffer and permit at all times thereafter the water which may come in and along said outlet drain to find an outlet in and along said gully at Bear Creek, aforesaid, without interruption or obstruction by the grantor, his heirs or assigns, with the right to the grantees to enter in and upon said gully to remove obstructions or repair if necessary." The connection thus expressly authorized could only be made by going upon the plaintiff's lands, as the defendants did, and there digging the necessary connection. The plaintiff might, and according to what I regard as the true, although obscurely expressed intention, should have made the connection himself. Not having done so, he is not, in my opinion, under the circumstances, in a position to complain that the defendants did so for him. Nor is it material that the drain was somewhat straightened and access to the plaintiff's land made at a

slightly different point. When the agreement was made the parties knew they were dealing with a statutory drain, subject to repair and improvement from time to time under the Statute. The grant of the easement does not prescribe any definite point at which the water should enter the plaintiff's lands. And there is not a particle of evidence that the new point selected is unreasonable or that the defendants have by the change appreciably increased in any way the burden which McCorkingdale, for valuable consideration, agreed to assume.

The appeal should be dismissed with costs.

Hon. Sir Charles Moss, C.J.O., Hon. Mr. Justice McLaren, and Hon. Mr. Justice Magee concurred.

November 24th, 1911.

GIBSON *v.* WEST LUTHER.

(Reported in 20 O.W.R. 405.)

Township council by resolution appointed an engineer to report upon a scheme for the repair and improvement of a municipal drain, under sec. 77 of the Act. The report provided not only for the repair of the drain as originally constructed, but also for a very substantial extension and improvement of the outlet. Some 500 acres which were assessed in the original scheme were no longer assessed, and nearly 4,000 acres not in the original scheme were now assessed. Only one property was assessed for benefit, the others being assessed for injuring liability.

HENDERSON, K.C., Referee, *held*, that this was altogether different from the original scheme, which had been entirely disregarded by the engineer, who had treated the scheme as an entirely new one. That the proper course to adopt in a case such as this would be for the engineer to ask for a special mandate under s. 75 as well as under s. 77, when he would have a free hand to do substantial justice to all parties.

That notwithstanding the wide powers given the referee under s. 74 he cannot alter the fixed proportions of an original assessment. Chatham *v.* Dover, 8 O.L.R. 132, 3 O.W.R., 882 followed.

That the mandate of the engineer under s. 77 was not sufficient, and the report and by-law should be set aside.

An application to quash a by-law of the township of West Luther providing for the repair and improvement of drain No. 28 of that township.

The application was heard by Geo. F. Henderson, K.C., Official Drainage Referee, on the 14th November, 1911, at Guelph, Ont.

Wm. Kingston, K.C., for the applicant.

A. S. Clarke, for the respondent.

HENDERSON, K.C., Referee: The report adopted by the by-law in question professes to be made under the provisions of sec. 77 of the Act, which is the old 75th section. The resolution of the township council appointing the engineer instructs him to act under sec. 75, but I assume that this was done in ignorance of the change of numbering of the new Act of 1910, and that the intention was, as the by-law puts it, that the engineer should report upon a scheme within the provisions of the

present sec. 77. In any event, there was no mandate to the engineer which would authorize him to act under the provisions of both of the present sections 75 and 77, if in law it was necessary for him to have a mandate sufficiently wide to cover both sections in order to warrant the making of the report in question.

The report provides not only for the repair of the drain as originally constructed, but also for a very substantial extension and improvement of the outlet. In the schedule of assessments, some five hundred acres of land which were assessed in the original scheme are no longer assessed, and nearly four thousand acres of land which were not in the original scheme are taken in. One property only is assessed for the benefit, all the other assessments being for injuring liability. This is altogether different from the original schedules of assessment, which would appear to have been entirely disregarded by the engineer, whom I understand to have been advised that under sec. 77 he should treat the scheme as an entirely new one. This view of the section, as applied to a scheme of this kind, was in my opinion wrong, and as a result the report and by-law must be set aside.

A word in explanation of the intention of the Act—secs. 71, 72 and 73 are declaratory of the obligations of municipalities as to maintenance. They make it plain that the original proportions of assessments, both within each municipality and as between municipalities themselves, stand fixed unless and until they are varied in manner as specifically provided by sec. 75. As between different townships, an appeal to the referee is provided for by sec. 74, in respect of the matters referred to in that section, but notwithstanding the wide powers there given to the referee, he cannot alter the fixed proportions of the original assessment. These are held sacred until varied under sec. 75. Chatham *v.* Dover, 8 O.L.R. 132; 3 O.W.R. 882.

The sections following 75 provide for the improvement, extension and alteration of a drainage work as incidental to the proper "maintenance" of the scheme, which the interpretation section of the Act, sec. 2, s.s.g., broadly defines as its repair and preservation. These sections neither enlarge nor abridge the provisions of secs. 71, 72 and 73, but are supplementary to them, as providing for new and additional work, not mere repair. In working them out in connection with a scheme which is both repair and improvement, such as this, the fixed proportions of the original assessments must be adhered to, as regards the work previously constructed and its mere repair, unless and until these proportions are varied under the powers of sec. 75, when the varied proportions become the new basis for future assessments, and remain such until again varied, and so from time to time. See subsec. 5 of sec. 75, which was enacted to meet the difficulty suggested in the judgment of Burton, J.A., in Caradoc *v.* Ekfrid, 24 A.R. 576, 1 C. & S. 295.

As regards the new work the engineer, under sec. 77, has all powers of assessment as if the scheme were a new one. Here he should work out a separate schedule of assessments, and as to this new work it is quite proper for him to disregard lands not affected by it, whether or not included in the original scheme, and also take in other lands which are affected by it, again irrespective of their being or not being assessed originally. In the actual preparation of the schedules of assessment which are to form parts of his report it would be quite proper for him to keep the different assessments in different columns, as suggested in Rochester *v.* Mersea, 2 O.L.R. 435, but I see no reason why the two should not be combined, with the ordinary result as to columns, provided that the basis of computation is correct.

Practically speaking, however, the better course to adopt in a case such as this would be for the engineer, so soon as he finds that conditions have changed since

the making of the original report so as to warrant the inclusion of new lands, and perhaps the exclusion of some of the old, to ask the council for a special mandate under sec. 75 as well as under sec. 77, and the appropriate repair section. Having obtained such a full mandate, he would then have to all intents and purposes a free hand to do substantial justice to all parties. Unfortunately for the report now in question, its author had only the limited authority of the one section.

No order is to issue for two weeks, in order that Mr. Clarke may consider whether he can properly ask me to take further evidence upon which to ask for an order, with the consent of the engineer, amending the report in such a way as to bring it into line with the original report. Should he not do so, the motion will be allowed and the report and by-law set aside with costs. The respondent township to be permitted to charge all costs of and incidental to this litigation to the drainage scheme in question. Should Mr. Clarke elect to take a further hearing, the matter will be treated as still before me, not only upon the question of amendment of the report, but also as to the other grounds of the notice of motion which by consent of counsel, and with a view to the saving of expense, have been left in abeyance pending the disposition of the question of law. So also will the other questions raised by the notice of motion be open to Mr. Kingston in the event of this judgment being reversed on appeal.

Thirty days' stay.

(IN THE COURT OF APPEAL.)

Re Johnston and Township of Tilbury East.

December 22nd, 1911.

(Reported in 25 O.L.R., 242.)

A by-law passed by a township council on the 26th September, 1910, purporting to be a by-law for the repair and maintenance of existing drainage works in the township and for borrowing a sum to complete same, was not in fact intended to provide for the doing of any work under it, but was passed solely for the purpose of recouping the township corporation in respect of repairs and improvements already made and paid for by the council to an amount exceeding $800. without a report from an engineer, a by-law, or an assessment.

Held (Meredith, J.A., dissenting), that the by-law must be quashed for illegality.

Order of the drainage referee reversed.

Per Garrow, J.A.: Where proceedings for the original construction of a drain, are instituted under the Municipal Drainage Act, they begin by a petition, followed by an engineer's report. Both are in the nature of conditions precedent, required to found jurisdiction in the council to charge and assess the lands in the drainage area for the expense of the work. If subsequent repairs are required, and the cost exceeds $800, they fall within sec. 77 of the Act, which, while dispensing with the petition required by sec. 3, expressly requires a report; and only when the council has received and formally adopted such a report may it undertake the work "specified in the report," for the doing of which the engineer is given all the powers to assess provided in respect of an original work. Sec. 89 implies an assessment law-

fully made, upon the faith of which money has been advanced out of the general fund. There was no proper evidence of estoppel on the part of the appellant seeking to have the by-law quashed, even if estoppel could arise in respect of a statutory condition precedent conferring jurisdiction. The Court has a discretion on an application to quash a municipal by-law; but the discretion is a judicial one, not to be exercised arbitrarily; and there was nothing in the circumstances to justify the Court in exercising it in favour of the by-law.

Per MEREDITH, J.A.: The appellant waived his right, as he might, to the proceedings not taken; and was estopped from seeking the unjust advantages which he was seeking in this proceeding. Township of McKillop *v.* Township of Logan (1899), 29 S.C.R. 702, discussed.

An appeal by James Johnston from an order of George F. Henderson, Esquire, K.C., referee under the Drainage Laws, pronounced on the 8th February, 1911, dismissing an application made by the appellant and others, under the provisions of the Municipal Drainage Act, for an order quashing by-law No. 17 of 1910, passed by the Municipal Corporation of the Township of Tilbury East, the respondents, on the 26th September, 1910, intituled, "A by-law for the Repair and Maintenance of the Forbes Drainage Works in the Township of Tilbury East, and for borrowing on the credit of the municipality the sum of $7,599 for completing the same," and for an order declaring void, invalid and illegal so much of the by-law as sought to assess the lands of the applicants for the work contemplated thereby or any part thereof, and to have it declared that the applicants were not liable to pay the assessments against them or their lands respectively under the provisions thereof, and for an injunction, or order in the nature thereof, restraining the respondents from collecting from the applicants and the ratepayers generally or the applicants and other persons whose lands were sought to be assessed under the by-law, the assessments thereby respectively made against their lands.

The drainage works in question were constructed in 1887 for draining lands by embankment and pumping.

October 3 and 4.—The appeal was heard by Moss, C.J.O., Garrow, MacLaren, Meredith and Magee, JJ.A.

O. L. Lewis, K.C., and W. E. Gundy, for the appellant. The judgment of the learned referee, which was pronounced with hesitation and apparently with the expectation that it would be the subject of an appeal, turns to a large extent on the meaning and effect of sec. 77 of the Municipal Drainage Act of 1910, under which it is a condition precedent to the validity of such a by-law as is now in question that it should be based upon the previous report of an engineer appointed by the municipal council. No such report exists, and the work done was, therefore, unauthorized, and the respondents have no right to pass a by-law to raise the money required in order to meet the expenditure incurred. The assessments made in pursuance of the by-law are wrong in principle, inasmuch as the engineer has charged all lots in the drainage area with injuring liability. The by-law is also defective in that it does not properly describe the lands proposed to be assessed. Reference was made to the following cases and authorities:—

Alexander *v.* Township of Howard (1887), 14 O.R. 22, especially at pp. 43, 44; *Re* Jenkins and Township of Enniskillen (1894), 25 O.R. 399; McCulloch *v.* Township of Caledonia (1898), 25 A.R. 417; Burke *v.* Township of Tilbury North (1906), 13 O.L.R. 225, cited in Proctor's Drainage Laws, p. 157; Grierson *v.* Municipality of Ontario (1852), 9 U.C.R. 623.

M. Wilson, K.C., and J. G. Kerr, for the respondents, argued that the grounds on which the application to quash the by-law is made are technical and without merit, and the Court should not look with a microscope at such irregularities as are complained of, when the will of a municipality is to be ascertained. It should follow the rule laid down by Boyd, C., in *Re* Stephens and Township of Moore (1894), 25 O.R. 600, at p. 605, and refrain from interference "unless there has been a manifest and indisputable excess of jurisdiction or an undoubted disregard of personal rights." The Court should consider the confusion that will arise if this by-law is set aside, on the strength of which the parties assessed have paid their taxes in all but a few cases, while the only person objecting is the appellant, who is estopped by his acts and conduct from making his application: *Re* Gilchrist and Sullivan (1879), 44 U.C.R. 588, 592; *Re* McKinnon and Caledonia (1873), 33 U.C.R. 502;; *Re* Grant and Puslinch (1868), 27 U.C.R., 154, 157. The discretion of the Court should be exercised to support the by-law. As to the objection based upon the alleged absence of the engineer's report, we say that there was in fact such a report, and that in any event no report is necessary in order to authorize works of the nature here in question. The descriptions objected to are adequate, and if any errors exist they can be rectified in the Court of Revision.

Lewis, in reply, referred to Byrne *v.* Township of North Dorchester (1902), 2 Clarke and Scully 318, 321, on the question of invalid description. He also referred to Proctor, *op. cit.*, pp. 85, 311.

December 22.—Garrow, J.A.: Appeal by the applicant from an order of the drainage referee dismissing an application to quash a by-law of the respondent.

The by-law was finally passed on the 26th day of September, 1910, and was intituled "A By-law for the Repair and Maintenance of the Forbes Drainage Works in the Township of Tilbury East, and for borrowing on the credit of the municipality the sum of $7,599 for completing the same."

The by-law, however, as its numerous recitals show, is solely for the purpose of recouping the respondent in respect of work already done and paid for by it, under the circumstances hereafter appearing.

The facts involved, which are peculiar and somewhat intricate, are fully set out, with his usual care and precision, in the judgment delivered by the learned referee.

Seventeen grounds are set out in the applicant's notice of motion before the learned referee, but those mainly relied on before us are:—

1. That the work for the payment of which the proposed assessment is made was work requiring to be based upon a previous report by an engineer, and there was no such report.

2. An erroneous assessment of all lots in the drainage area for injuring liability.

3. The work was done without authority, before the by-law was passed.

4. Misdescription and improper description of parcels.

5. Misapplication of funds to the benefit of which the drainage area was entitled.

6. Improper inclusion, in the total amount, of arrears and of other items not properly or lawfully chargeable against the drainage area.

Of these it is obvious that the first and third, since they go to the root of the matter, are the most important.

In the beginning, the respondent evidently considered, properly I think, that the then proposed work was of such a nature as to require the services of an en-

gineer to examine and report. And accordingly, the council appointed Mr. Baird, an engineer of experience, to take the matter in hand.

He made a report dated the 11th September, 1906, containing a large number of suggested changes and improvements, the whole to cost $20,988; but, owing to the heavy cost, the report was not adopted; and the matter was, on the 14th of January, 1907, referred back to him for reconsideration, with the request that, in view of the cost he should consider the advisability of abandoning or postponing all works except the repairs and improvement of pumping station No. 2 and its plant.

He made a second report, dated the 5th September, 1907, in which he said that he had reconsidered his former report in the light of the resolution of the council, and therein made certain recommendations of necessary repairs and improvements, to cost in all $10,893,29, for which he had, in the usual form, assessed the lands to be benefited. This report was apparently received and adopted by the council by a by-law provisionally passed on the 2nd October, 1907.

But in the previous month of July the council met at the pumping station and certain improvements were then suggested, apparently by members of the council and by a Mr. Flook, a contractor, who was required by the council to make an estimate of the cost of the suggested improvements; and the clerk was instructed to correspond with Mr. Baird and ascertain whether he would approve of the suggestions.

And, apparently without obtaining any further report from him, the council employed Mr. Flook to prepare specifications and to do the work, which he at once proceeded to do. His specification, which might also be called a tender, was dated the 2nd August, 1907.

The work itself was commenced early in August, and was apparently completed before the end of the year; for on the 16th December, 1907, the council passed a resolution directing the clerk to request Mr. Baird to examine the work and see if it was satisfactorily completed. On the 5th January, 1908, Mr. Baird reported, stating: "I have made an examination of the work of repair and improvement lately constructed in the remodelling of No. 2 pumping-station of said works, its machinery and plant, and beg to submit in connection therewith the following report." He then, in the report, proceeded to review the work, in general favourably, but otherwise as to some of the details, not necessary now to speak of, which he recommended should receive further attention. But the work which he inspected and in part approved of was not done under any report previously made by him, or by any other engineer, but was work done entirely upon the recommendation of Mr. Flook, for the doing of which there does not appear to have been even a previous by-law of the council.

The appellant does not now complain that the work was not useful work, or even that it was insufficient to meet the then requirements in the way of repair of the system, nor that it was not well done, or not completed. His whole complaint upon these heads is, that, under the circumstances, it had not been preceded by a report from the engineer and a by-law authorizing the work, as the statute requires. And to that objection I am quite unable to see a satisfactory answer. The procedure from beginning to end is statutory, and the directions of the statute must, of course, be substantially observed. Where proceedings for the original construction of a drain are instituted, they begin by a petition, followed by a report from the engineer. Both are in the nature of conditions precedent, required to found jurisdiction in the council to charge and assess the lands in the drainage area for the expense of the work. If subsequent repairs are required and do not exceed $800

they may be undertaken without previously obtaining an engineer's report (sec. 76 of the Municipal Drainage Act, 1910); but if they exceed that sum, they fall within sec. 77, which, while dispensing with the petition required by sec. 3, expressly requires a report; and only when the council has received and formally adopted such a report may it undertake the work "specified in the report," for the doing of which the engineer is given all the powers to assess, to the same extent and by the same proceedings and subject to the same rights of appeal as are provided in respect of an original work.

The report is intended not merely for the information and benefit of the members of the council, but of the various land owners in the drainage area whose lands it is proposed to charge. It is a document of very great importance indeed in the scheme of proceedings provided by the statute. It may itself be the subject of an appeal to the Drainage Referee, who may set it aside; see secs. 94 (3), 99; and if set aside, the whole drainage scheme would certainly fall with it.

The provisions of sec. 89 do not help the respondent. They clearly imply an assessment lawfully made, upon the faith of which money has been advanced out of the general fund. There was no lawful assessment here, no assessment indeed at all, and not even a by-law authorizing the work to be done. The whole affair was as irregular as it well could be, and quite incapable of cure by the various flounderings, for they are nothing else, through which the council, in a vain effort to extricate itself, subsequently passed.

Nor am I able to see any proper evidence of estoppel on the part of the appellant, even if estoppel could arise in respect of a statutory condition precedent conferring jurisdiction such as this; see Maxwell on Statutes, 4th ed., p. 578 *et seq.*; Township of McKillop *v.* Township of Logan (1899), 29 S.C.R. 702, at p. 705.

We were referred to a number of cases in which it is said that the Court may exercise a discretion on applications to quash by-laws; and, doubtless, that has been frequently said. We were, however, referred to no case under the drainage legislation of the Province in which the Court declined to give effect to an objection such as the one in question. On the contrary, there are cases in which the Courts have acted where the objection was in substance much less fundamental; as, for instance, where the engineer, although he made a report, had omitted to take the oath as required by the statute: Township of Colchester *v.* Township of Gosfield North (1900), 27 A.R. 281. The discretion is, of course, a judicial one, to be exercised judicially and not arbitrarily; and I see no reason at all, in the circumstances, why I should interpose my discretion, if I have one, to shield the respondent in its exceedingly irregular and ill-advised proceedings.

That being my conclusion, I do not think it necessary to discuss the other grounds of attack, further than to say that, as at present advised, I would not have set aside the by-law upon them or any of them alone.

The appeal should be, in my opinion, allowed, and the by-law in question quashed, the whole with costs to the appellant.

Moss, C.J.O., MacLaren and Magee JJ.A., concurred.

MEREDITH, J. A. (dissenting): The appellant now stands alone in seeking to compel others to pay for the benefits which he has had; to make the whole of the ratepayers of the municipality pay for the work in question, which was done, exclusively for those within the drainage area affected by it; and work which was done at the urgent request of him and others to be benefited likewise by it; in seeking that which is contrary to that which every one concerned intended and aimed at in the proceedings in question; and in seeking that which, it is obvious, would be an

injustice, if given effect to, to the great body of the ratepayers of the municipality, who have no concern in the matter.

The grounds upon which this result is sought are irregularities in the proceedings under the provisions of the drainage enactments; a lack in some material respect of things needful in the due administration of the provisions of the enactments.

But I cannot consider that one at whose instance, and for whose benefit, the council acted, and who was a prominent adviser of the council, and of the ratepayers interested, throughout the proceedings, and who had a full knowledge of all the steps taken, can be permitted, when the work has been done, and the benefit had, to escape payment because of irregularities such as these complained of.

In short, I think the appellant waived his right, as he might, to the proceedings not taken; and is estopped from seeking the unjust advantages which he is seeking in this action.

Any one may, generally speaking, waive a statutory provision intended for his benefit; that is familiar law. It is a mistake to say that the power of the council originated with, and depended entirely upon, any report; the power rests upon the statute, which, however, in cases where a report is necessary, makes a report a *sine qua non* to the exercise of that power against the will of those who may be charged with any part of the cost of the work; the report is a provision for the benefit of the ratepayers to be taxed, and one which, I cannot but think they may waive. Suppose the urgency of the case required immediate action, and the applicant had in writing urged upon the council to proceed without waiting for a report, can it be that he might afterward insist upon such an irregularity to foist upon the ratepayers at large a debt which the ratepayers benefited by it alone ought to pay? If so, he could, though his urging the council to proceed was for the very purpose of causing an irregularity which eventually would have had such an unwarrantable and unjust effect.

I find nothing whatever to the contrary of this view in any of the text-books; nor is the case of Township of McKillop *v.* Township of Logan, 29 S.C.R. 702, necessarily opposed to it. It is true that the Chief Justice stated that, in his opinion, estoppel was not applicable to such a case as that; but went on to say that asquiescence was not proved. He did not deal with the question of waiver. That case, however, was one very different from this; in it the proceedings were put in force by an individual who had no sort of interest in them such as gave him power to initiate the proceedings; he was not an owner; and it was not a case in which the council had any power to initiate the proceedings, as in this case it was.

There is, of course, no question of public rights involved; the council acts merely as trustees of the individuals concerned in respect of their own private property and interests, and, if any public roads are affected, acts in the same manner only for the municipality.

And in regard to the observations of one of the learned judges, in the case I have mentioned (29 S.C.R. at p. 706), that it is "the undoubted right of every person upon whom such a statutory debt is sought to be imposed, to insist that the plaintiff should establish by incontrovertible evidence that the provisions prescribed as necessary to the creation of the debt claimed have been complied with in the minutest particulars . . . ." I venture to express the hope, and opinion, that, if it were ever a rule of the Courts, to take so narrow a view of the highly remedial enactment in question, the working out of which is committed, not to very exact and exacting judges who may take everything proceeding *en delibere*, unlimited as to

time, before acting, but to ordinary laymen, generally in rural districts, a broader, and that which seems to me to be a more reasonable way of dealing with it now prevails, or else soon shall prevail.

Nor am I at all satisfied that the work done was such as required a petition—that it was not *maintenance* such as might be done under the seventy-first section of the present act, 10 Edw. VII., ch. 91 (*o*); but, in the view I have taken of the other question, it is not necessary to consider this point.

Appeal allowed; Meredith, J. A., *dissenting*.

(IN THE COURT OF APPEAL.)

WIGLE *v.* TOWNSHIP OF GOSFIELD SOUTH.

(Reported in 25 O.L.R. 646.)

February 22nd, 1912.

An action for damages for flooding the plaintiff's lands was begun on the 28th December, 1909, in the High Court. The action was set down for trial, and an order was made by the Judge presiding at a sittings for the trial of actions, transferring the action for trial to the drainage referee. The order recited that it appeared that the action involved the question of drainage. It appeared, although not so stated on the face of the order, that the parties consented to it; and it was not moved against. The referee tried the action and determined it in favour of the plaintiff. Upon appeal from the judgment, the point was raised by the defendants that the referee had no authority or jurisdiction to deal with the case under the order, because the case did not fall within the provisions of the Municipal Drainage Act, no question of drainage being involved, and the cause of complaint having arisen more than two years before the commencement of the action. The cause of the flooding was the erection by the defendants in 1907 of a bridge across a creek, which had the effect of narrowing its channel. The earliest flooding occurred on the 30th December, 1907, and the other floodings in the years 1908 and 1909:—

Held, that the cause of complaint was not the building of the bridge, but the damage occasioned by the subsequent floods, and that was within two years before the commencement of the action; and by the amendment to the Municipal Drainage Act, 9 Edw. VII., ch. 78, sec. 2, now sec. 99 of the Municipal Drainage Act, 10 Edw. VII., ch. 90, the Court or Judge is empowered to transfer an action, not only where it appears that the relief sought is properly the subject of proceedings under the Act, but where it appears that the action may be more conveniently tried before and disposed of by the referee; and, therefore, the objection could not avail the defendants.

McClure *v.* Township of Brooke (1902), 5 O.L.R. 59, distinguished.

Held, also that the finding of the referee that there was an improper interference with the width of the channel of the creek, with the result that in times of freshet there was an interruption of the flow of the stream, which had the effect of flooding the plaintiff's lands, was in accordance with the great preponderance of the testimony, and should be affirmed.

Held, also that the plaintiff was confined to such damage as properly and naturally resulted from each flooding; and the alleged depreciation in the selling value of the plaintiff's land, by reason of the fear of future flooding, was not comprised therein.

West Leigh Colliery Co. v. Tunnicliffe & Hampson, Limited (1908), A.C. 27, 29, followed.

Judgment of the referee varied by reducing the amount of damages allowed by him.

This was an action for damages for the flooding of the plaintiff's lands, begun in the High Court of Justice by writ of summons issued on the 28th December, 1909.

The action was set down for trial at Sandwich, and came before Boyd, C., who made an order on the 18th of May, 1910, directing "that the matters in dispute between the parties be transferred for trial by the referee appointed under the provisions of the Municipal Drainage Act, to be tried pursuant to the provisions of the said Act, and all proceedings herein may be had and taken as if the action had originally been brought under and by virtue of the said Act."

The Referee (George F. Henderson, Esq., K.C.) accordingly proceeded with the trial and gave judgment on the 30th of May, 1911, as follows:—

The plaintiff is the owner of a low-lying farm situated between Cedar creek and Lake Erie, almost at a point where the creek finds its outlet into the lake. When he purchased the property he found a considerable portion of it to be low-lying, swampy land, into which there ran a trend of water, which some of the witnesses have dignified by the term of creek, but which is hardly to be called such, known as Pike creek, and the swamp on the plaintiff's property being called Pike swamp. Being apparently a man of means as well as enterprise, he conceived the idea of reclaiming this land, and for that purpose constructed an embankment along the edge of Cedar creek and built a pumping-station with a view to taking the water from the outlet of Pike creek by means of pumping, and thus discharge it into Cedar creek. This succeeded for the first year or so after the construction of the pump, but subsequently became of no use to the plaintiff because of another chain of events to which reference must be made.

Cedar creek is a stream of somewhat unusual size for a creek, and is the outlet for a large number of drainage schemes in the upper township, as well as for drainage in the township of Gosfield South. It is a natural water course in every sense of the term. For some time prior to the period of the plaintiff's ownership of the property, the highway crossing that stream to the east of his property, the stream being crossed by a bridge, belonged to the township. In 1891, that bridge was reconstructed, apparently under the control of a joint committee representing the county council as well as the township council, and the question arises as to which municipal body was responsible for its being where it now is. I find, on the evidence, that the bridge was constructed by the township council, although the county council supplied one-third of the cost of its construction, and probably, through its officers, had more or less to do with the details of the construction. As a matter of legal effect, it was a work of the township and not a work of the county. In any event, the liability was beyond question township liability. It replaced what was undeniably a township bridge and a township bridge alone; and, whoever may have owned it pending construction, it was at once taken over by the township as a township bridge, and the township was responsible for its continuance. This bridge constructed in 1891, remained until 1907, when it was replaced by the structure with which the highway is crossed to-day. The opening of the present bridge is practically of the same size as that of 1891, but it is a more modern construction, and the absence of spiles give it a greater capacity, if otherwise unobstructed.

The 1891 bridge replaced a former bridge of a greater span, there being a difference, which the evidence does not with absolute accuracy determine, but approximately a difference of forty feet. The natural stream was at least one hundred feet in width at that point, and the span of the present bridge is somewhat less than seventy feet, the bridge being a cement and steel structure, and its abutments being built in the ordinary way.

There are differences in the width of the opening at water levels, depending upon the height of the water. The result of the construction of that bridge was materially to narrow the stream. It had, in fact, greater capacity than the bridge which was formerly there, that is, from an ordinary engineering point of view; and, had something else not happened, this trouble might not have arisen. In the year following its construction, however, and at the time of the spring freshet, the opening of the bridge became partially blocked by the accumulation of ice and debris brought down by the spring freshet, and the force of the water, which was held back by that blocking, broke through the bank of the creek, which happened to be a very short distance only from the water of the lake, at a point almost immediately west of the bridge, and thus created a new outlet to the lake for the waters of the creek.

There is a highway running along the bank, the south-westerly bank, of the creek; and the township authorities, instead of at once filling up the opening made by this flood water, and in that way repairing the highway, thought proper to build a bridge over it and maintain the highway in that condition. That appears to have been a large opening; and, when the bridge over it was completed, it gave not only a larger opening for the waters of the creek but a shorter course to the lake than the original course, which was some little distance farther down stream.

The bridge was maintained by the township authorities as a bridge for ten years, and during those ten years the bulk of the water coming down the creek took the more ready means of access to the lake under this newly constructed bridge; and, as incidental to that, the opening under the highway bridge, to which reference has first been made, became considerably lessened by the deposit of sediment brought down stream and checked in its course or flow partly by the abutment of the bridge and partly by the natural checking of the current of the water turning the corner.

At the end of the ten-year period, to which I have referred, the township authorities for some reason which is not perhaps easy to understand, saw fit to take away the bridge and block up this place in the road which had been washed out ten years before. I say it is not easy to understand why they did that, because about that time they appear to have purchased land to build a new outlet for the creek on the easterly side of the main bridge. However, they did it, and apparently did it as a part of a scheme of reconstruction of the bridge which had been built in 1891, and which again required reconstruction. I perhaps have not made it clear that the bridge, as built in 1891, was somewhat of an old-fashioned structure, supported on spiles, and that the bridge which replaced it in 1907, in the month of October, was the cement and steel bridge to which I have referred. Perhaps I was somewhat confusing in my early reference to that. The result was, that in the month of October, 1907, conditions were entirely changed, and the waters coming down Cedar creek had no further outlet than that under the cement bridge, with the accummulated sediment to which reference has already been made. The evidence satisfies me that there never has been since the construction of the bridge in 1891 a free flow of water down Cedar creek or a free outlet for the water brought down Cedar creek except during the ten-year period, when there was an alternative outlet by means of the wash-out course.

In the latter part of the month of December, 1907, the plaintiff, for the first time, suffered a flood, which crossed over his bank and flooded a great portion of his farm. That was in the winter season, when apparently no appreciable damage resulted. In the following spring, 1908, he had two floods. Some question arises as to the character of these. There is a great deal of evidence; and, as is unfortunately only too customary in this class of case, there is an attempt to show that the floods were, or some of them were of an extraordinary character; and, as again frequently happens in this class of case, witnesses are called to verify that position. While satisfied that there was an extraordinary flood, they do not agree as to just when that happened; none of them speak of more than one flood. The plaintiff was damaged by two floods; and, for that and other reasons, I am satisfied that there was nothing extraordinary, in the proper sense of the term, about either of the floods which caused him damage. The township authorities would not be responsible for any really extraordinary flooding within the proper meaning of that term, as it is defined by the Court of Appeal in Coghlan *v.* City of Ottawa (1876), 1 A.R. 54, which is the only case which occurs to me at the moment.

There is no pretence that other floods which happened in the following year, 1909, were extraordinary. The plaintiff suffered damage to his lands in each year; and the question is whether or not the defendants are responsible. I think Mr. Wilson is right in his position that the defendant had no right to obstruct the full flow of the natural stream. Unfortunately, the case has been argued on both sides without any citation of authorities.

I am arriving at a conclusion without having had the advantage of any personal search for authority. Either party must take the result of any failure that ensues. It appears to me that the defendants can be in no higher position than the ordinary riparian owner. They are not the owners of the fee, but they have control of the highway for highway purposes; and I think it proper to assume that, for the purposes of this case, they have the rights of a riparian owner. As I understand the law, any riparian owner, whether up-stream or down-stream from his neighbour, has a right to protect himself against the common enemy, flood water, whatever the result may be to his neighbour. Mr. Wigle had the right to erect the embankment which he did. It is not contended otherwise. I cannot understand any principle upon which the defendants had the right to place an obstruction in the bed of the stream so as to interfere with the flow of water. The evidence satisfies me that the bridge did interfere with the flow of water. If that bridge had not been there, the water would not have been held back so as to overflow the plaintiff's land. It is not contended that the defendants acquired a right to maintain a bridge by lapse of time, or upon any other legal principle that I can think of, or to which counsel has referred.

I assume that none of the work was done by by-law. The closing of the wash-out course was done without even a resolution of council; and, although the evidence is silent as to the authority for the building of the bridges in 1891 and 1907, the argument has proceeded on the assumption that there were no by-laws.

I am forced to the conclusion that the defendants have maintained a bridge which is an obstruction to the stream, because it narrows it and holds back water, and it is responsible for the consequences. If I am right in this, it becomes a question of assessment of damages. The plaintiff's damages are divisible into two parts, the first or more important part at the end, and I propose to deal with it first, that is, the depreciation in the market value of his property. He bought the land originally in partnership with a friend. Shortly before the commencement of this action

he entered into a contract, which has subsequently been carried out, to sell the property for $14,000; it had cost him $11,700. It may have been a good bargain or a bad bargain. After purchasing he had improved it by the construction of the dyke and pumping-station, and probably otherwise. He certainly had done considerable ditching on it. The purchaser says that he bought it with full knowledge of the disability which attached to it, expecting that it might be overflowed from year to year, as it was overflowed in 1908 and 1909. He says that, if it had not been subject to that disability, he would have been willing to pay $19,000 for it instead of $14,000. That, however, was never a practical question with him, and he gave that valuation to-day as a matter of opinion only. In other words, he puts the depreciation at $5,000. The plaintiff himself puts it at $4,000. One witness called by the defendant says that there is no depreciation in value; but I attach no importance to his evidence; first, for the reason that he did not impress me as being the kind of a man who could give satisfactory evidence of valuation; and, beyond that, for the reason that it is rather absurd to say that there is no depreciation.

I viewed the land yesterday, and was somewhat surprised to find the plaintiff putting the depreciation at as high a figure as $4,000. Counsel for the defendants ask me to use my knowledge obtained on the view, and takes the responsibility for my doing so. I do not find it necessary, however, to act upon that alone, as it is in evidence that, on the dissolution of the partnership between the plaintiff and his friend who was with him in the purchase of the property, the value was placed at $16,000, and he paid his partner $8,000 for the half interest. This was after the damage had occurred; and this incident is perhaps the best evidence of value. It agrees with my own impression; and, considering that evidence as well as my own impression, I think that the plaintiff is entitled to $2,000 for depreciation.

Counsel have not overlooked the question as to whether it is a case for the allowance of permanent depreciation, in view of the fact that the present owner has purchased with knowledge of the disabilities attaching to the land.

The other branch of the damages is made up of a number of items which are detailed in the particulars filed; and, if my arithmetic is correct, amount to $4,690. I do not propose to discuss these in detail. I have considered the different items carefully as they were given by the witnesses in evidence, and I am there again applying the knowledge, which I obtained on the view, so far as it is helpful; and on the whole I have taxed off the plaintiff's particulars of damages the sum of $1,500; and I conclude to treat the matter as a jury would treat it, and allow the plaintiff for damages in the two years the sum of $3,000, that is, within a very few dollars of the actual arithmetic as I arrived at it during the course of the hearing.

In the result, I find the plaintiff entitled to recover damages in the amount of $5,000 with costs of the action.

The defendants appealed to the Court of Appeal from the judgment of the referee; and the plaintiff cross appealed, seeking to increase the damages.

December 7, 1911.—The appeal and cross-appeal were heard by Moss, C.J.O.; Garrow, MacLaren, and Magee, JJ.A. .

J. H. Rodd (for the defendants): The referee, having found no question of drainage involved in the action, had no power to deal with the questions "pursuant to the provisions of the said Act" (The Municipal Drainage Act) as recited in the order of transfer, as the question involved did not come within the purview of such provisions: Northwood *v.* Township of Raleigh (1882), 3 O.R. 347, at pp. 357 and 358; McGillivray *v.* Township of Lochiel (1904), 8 O.L.R. 446. In any event, the proceedings never became instituted under the Municipal Drainage Act until the

making of the order of transfer, and no cause of damage existing more than two years prior to that date would have been considered: Whitehouse *v.* Fellowes (1861), 10 C.B.N.S. 765. Assuming that the referee had jurisdiction, he erred in holding that the plaintiff had a right to complain of the shortening of the bridge in 1891, because he was not then the owner of the lands in question. The bridge then constructed was sufficient for the waters which came down, and it was not until the corporation of Colchester South diverted into Cedar creek the waters from over 3,000 acres of their lands, that any inadequacy appeared, and the defendants are not responsible for the damages resulting: Dickson *v.* Carnegie (1882), 1 O.R. 110; Law *v.* Town of Niagara Falls (1884), 6 O.R. 467; Brown *v.* Street, (1844), 1 U.C.R. 124; Austin *v.* Synder (1861), 21 U.C.R. 299; Dickson *v.* Burnham (1868-70), 14 Gr. 594, 17 Gr. 261. The plaintiff constructed his pumping system while this was the only outlet, and he was not in any worse position after the closing of the accidental channel than he was before. The plaintiff had no right to this accidental outlet, County of York *v.* Rolls (1900), 27 A.R. 72. If he suffered any permanent depreciation in the value of the lands by this closing, an equal enhancement in value was made by the breach, and to this enhancement he was not entitled. No damages whatever, therefore, should have been allowed for depreciation, nor should he be allowed for prospective damages: West Leigh Colliery Co. *v.* Tunnicliffe & Hampson, Limited (1908), A.C. 27; Young *v.* Grand River Navigation C. (1856), 13 U.C.R. 506, at p. 507. By the breach the waters of Cedar Creek were diverted over his neighbour's land, and it was the duty of defendants to close up the opening; and the bridge constructed was intended to be only a temporary way. Unless the plaintiff showed negligence in construction he could not succeed: Patterson *v.* Township of Peterborough (1869), 28 U.C.R. 505; Langstaff *v.* McRae, (1892), 22 O.R. 78. In any event, the closing was done in September, 1907, and the action was not begun for more than two years after the damage was done: Bureau *v.* Gale (1911), 44 S.C.R. 305. The damages allowed are excessive.

M. Wilson, K.C., for the plaintiff. The defendants cannot now question the jurisdiction, because the Court had jurisdiction to make the transfer under sec. 99 of the Drainage Act, and because the defendants are estopped from objecting to the proceedings by their consent and request, as appears by their solicitors' letters. Besides, the defendants accepted and acquiesced in the order as issued, and acted thereon. The defendants could not delay the trial of an action until the lapse of two years from the time of the damage, and then object to the jurisdiction of the referee because of the lapse of such two years before the order of reference. On the contrary, the action having been brought within the two years, sec. 99, subsec. (2) applies. The plaintiff, however, does not admit that he is bound by the limitation of two years. The plaintiff is entitled to damages against the defendants, for the reasons given by the learned referee: Coghlan v. City of Ottawa, 1 A.R. 54. The defendants had a remedy against the upper municipality 10 Edw. VII., ch. 90, sec. 3, subsec. 3 (*o*); Sutherland-Innes Co. *v.* Township of Romney (1899), 26 A.R. 495; S.C. (1900), 30 S.C.R. 495. The plaintiff was entitled to have the free and full flow of Cedar creek, or such a substitute as would give a like advantage or protection to the plaintiff's land. There was no reasonable evidence upon which it could be found that the damage in question would have arisen from the act of the Corporation of Colchester South, if the defendants had left the creek unobstructed by the bridge. Moreover, the bridges and obstructions were placed by the defendants in Cedar creek, and the defendants filled up the relief outlet, all after the alleged draining in Colchester. See *In re* Townships of Orford and Howard (1891), 18

A.R. 496. The damage was occasioned by reason of a wrongful permanent obstruction made by the defendants in Cedar creek. The plaintiff is entitled to a greater sum for damages for the permanent injury to his farm than that allowed by the referee.

RODD, in reply.

February 22, 1912.—MOSS, C.J.O.: This is really a very simple case, and, as viewed in the light of the evidence as developed before the Drainage Referee, might very well have been tried and disposed of at the non-jury sittings. But the parties appear to have formed and acted upon the view that it was a case proper to refer to the Drainage Referee, by whom it was fully tried; and this is an appeal by the defendants and cross-appeal by the plaintiff from his judgment. An objection was made, at this late stage of the case, to the authority or jurisdiction of the referee to deal with the case under the order, because, it was said, the case did not fall within the provisions of the Municipal Drainage Act, for two reasons, one being that a question of drainage was not involved; the other being that the cause of complaint arose more than two years before the commencement of the action.

The damages in respect of which the plaintiff brought his action arose from flooding his land, the earliest having occurred on the 30th December, 1907, and the others in the years 1908 and 1909. The action was commenced on the 28th December, 1909. The cause of the flooding was the erection by the defendants in 1907 of a bridge across Cedar creek, which had the effect of narrowing its channel.

From the nature of the case it is apparent that the cause of complaint here is not the building of the bridge, but the damage occasioned by the subsequent floods. In other words, the cause of action is the damage, and the plaintiff could not have instituted an action seeking damage until he had suffered some. Probably he could, while still owning the land, have applied for and obtained an injunction; but he did not seek this remedy; and his only claim is and must be for the damage fairly and reasonably attributable to the floodings which took place before he commenced this action. And the cause of complaint in respect of these damages did not arise until within two years before the issue of the writ: Whitehouse *v.* Fellowes, 10 C.B.N.S. 765. That being so, an answer to both grounds of objection to the referee's authority is supplied by the amendment to the Municipal Drainage Act, 9 Edw. VII., ch. 78, sec. 2, now sec. 99, of the Municipal Drainage Act, 10 Edw. VII., ch. 90, which empowers the court or judge to transfer an action, not only where it appears that the relief sought therein is properly the subject of proceedings under the Act, but where it appears that it may be more conveniently tried before and disposed of by the referee. It never could have been intended that, because the reason given in the order of transference afterwards turned out not to be the best reason, all that took place after the making of the order should be set aside and treated as nugatory.

Upon the evidence before him, the referee concluded that there was an improper interference with the width of the channel of Cedar creek, the result being that in time of freshet there was an interruption of the flow of the stream, which had the effect of flooding the plaintiff's lands. This finding is in accordance with the great preponderance of the testimony.

The question is thus reduced to one of the extent to which the plaintiff suffered damages for which he ought to be compensated in this action. Having parted with the land, he has now no right of action to restrain the continuance of the obstruction of the stream. Nor can he suffer damage by reason of any subsequent flooding.

One item of his claim is for depreciation in the selling value of the land by reason, as it is said, of the fear of future flooding, and the prejudice against the continuance of such a state of affairs. The plaintiff did not, as he might have while still owner, take steps to prevent the possibility of such future damage. And by reason of the absence of a by-law, the case is not one in which compensation is being awarded under the provisions of the Municipal Act as for lands injuriously affected by the work that has been done. In that case every claim for compensation would be settled once for all. Here the plaintiff is confined to such damages as properly and naturally result from each flooding; and alleged depreciation in the selling value is not comprised therein. This follows upon the principle that the damage, not the erection of the bridge, is the cause of action.

Lord McNaghten's statement in West Leigh Colliery Co. *v.* Tunnicliffe & Hampson, Limited (1908), A.C. 27, at p. 29, made in a subsidence case, seems not to be distinguishable in principle from this case. After first expressing the opinion that the damage, not the withdrawal of support, was the cause of action, he said: "If this be so, it seems to follow that depreciation in the value of the surface owner's property brought about by the apprehension of future damage gives no cause of action by itself." And the Lord Chancellor said (p. 34): "To say that the surface land would sell for less because of the apprehension of future subsidence is no doubt true. To say that the depreciation in present value caused by that apprehension ought to be included as an element of compensation is, in my view, unsound. For that is asking compensation, not for physical damage which has in fact arisen, but for the present influence on the market of a fear that more such damage may occur in future." See also Rust *v.* Victoria Graving Dock Co. (1886), 36 ch. D. 113.

A contrary view would involve the possibility of a purchaser who acquired the property at a reduced price afterwards recovering for the future apprehended damage from persons who had already been charged for it by an allowance against them for depreciation in selling value. The sum of $2,000 allowed by the referee under this head should be disallowed.

With regard to the other items of the claim, a number of which appeared to be unsustainable and others to be exaggerated, there were some obvious mistakes and omissions in the summation of items. Allowing for these, and after examination of the particulars, and consideration of the evidence, it appears to me that a fair compensation to have allowed would have been the sum which my brother Garrow has named.

The result is, that the judgment should be varied by reducing the sum which the plaintiff is to recover from the defendants to $1,320, and the cross-appeal should be dismissed.

The plaintiff should pay the costs of the appeal and cross-appeal.

GARROW, J.A.: Appeal by the defendant and cross-appeal by the plaintiff from the judgment of the drainage referee in favour of the plaintiff.

The proceedings were commenced by a Writ of Summons issued out of the High Court, dated the 28th December, 1909, and the action proceeded to trial in the usual way. At the trial, the action was referred to the drainage referee for trial, under the provisions of the Municipal Drainage Act.

The complaint of the plaintiff is, that the defendants had by their acts interfered with the free flow of the waters of Cedar creek by closing up a certain outlet, and erecting a bridge which materially narrowed the natural channel, thereby causing the plaintiff's land to be flooded to his injury.

The cause of action thus disclosed is not, I think, one falling within the class of complaints, for the trial of which special provision is made in the Municipal Drainage Act. But the order of reference was not moved against, and, moreover, appears to have been made by consent, although not so stated on its face, so that the decision in McClure *v.* Township of Brooke (1902), 5 O.L.R. 59 (C. A.), does not apply. And it should also be noted that, since that decision, the statutes have been further amended: 9 Edw. VII., ch. 78, sec. 2, practically restored sec. 94 of R.S.O. 1897, ch. 226, which, at the time of that decision, had been repealed by 1 Edw. VII., ch. 30, sec. 5. This may make it necessary, should the circumstances again arise, to reconsider McClure *v.* Township of Brooke in the light of subsequent statutory changes.

The learned referee found the issues in favour of the plaintiff, and assessed the damages at $5,000, for which the plaintiff has judgment, which damages, the plaintiff by his cross-appeal contends, should be increased.

The defendants, besides contending that the reference was improperly made to the drainage referee, say that the bridge and its openings are sufficient for the waters which by nature would flow in the stream, and that the injury of which the plaintiff complains is really caused by additional waters brought into it in large quantities by several extensive drainage schemes, having their outlets above the bridge, and that, in any event, the damages allowed are excessive.

The defendants also contended before us that the plaintiff's claim was barred by the special limitation clauses of the Municipal Drainage Act. There was no plea of the Statute of Limitations; and, even if there had been, it would have been of no avail, because the plaintiff's claim from its nature does not fall within the special provisions of that Act.

Coming now to what may be called the merits: the facts seem to be very fairly and also with considerable fulness stated in the judgment of the learned referee. He arrived at the conclusion, upon the evidence, that the effect of the new bridge built in the year 1907 was materially to narrow the stream; and that such narrowing and the closing up at the same time of the opening at the westerly end of the former bridge, through which a large portion of the water flowing in the stream had for years escaped, had caused the flooding of which the plaintiff complains. And the evidence, in my opinion, amply justifies these findings, although it is quite probable that the extent of the flooding, which it is sought to attribute wholly to the defendants' acts, is considerably exaggerared.

No by-law for the erection of the bridge was proved, and no expert or other evidence was given to show any necessity for so constructing a bridge as that its solid approaches should narrow the channel, as this bridge undoubtedly does, from about 100 feet to about 65 feet.

The new bridge was, no doubt, required for the purposes of the highway; and, if it had been so constructed as to leave open the full width of the natural channel—less, of course, any necessary piers placed in for the support of the bridge, including even the closing of the westerly opening—the plaintiff could not, I think, have successfully complained. What he does complain of, and with justice under the circumstances, is the combination of the two things.

Mr. Rodd contended that the bridge, as it is, is sufficient for all the water which would naturally flow in the stream, and that the flooding of which the plaintiff complains was really due to other water brought into it by a series of artificial ditches and drains up-stream from the bridge, which use the stream as their outlet. And there is no doubt, upon the evidence, that the water which, in a state of nature,

would naturally flow in the stream, had been substantially increased by these drainage works. The whole neighbouring territory is very low and flat. A large part of the plaintiff's land was a marsh, in part below lake level, until reclaimed as far as it has been by his extensive drainage works, which necessarily included an embankment to keep the water out and a pumping arrangement in addition. A running stream is, up to its carrying capacity, a natural outlet for drainage water, and there is, I think, no reliable evidence, that, if the whole natural width of the banks had been maintained, they could not have contained and carried even those additional waters. But, however, that may be, it seems to be not a good answer to the plaintiff's complaint to say, "Our narrowing of the channel would have been quite harmless but for such additional water." These drainage works had all, or nearly all, been established before the last bridge was built, and their waters were then being carried in the stream past the plaintiff's lands without injury, escaping in part under the old bridge, and in part through the westerly opening before mentioned.

The place of the latter as an escape is by no means supplied by the opening at the east side of the new bridge; among other reasons, because, before the water reaches it, it must all pass through the bridge; whereas the opening at the west end permitted water to escape before it reached the bridge. In the absence of any satisfactory explanation, it seems to me to have been a great mistake to close that opening, even to save the expense of maintaining an additional bridge over it, which was, I suppose, the real reason for doing so. But, as I have said, in effect, the defendants might have been blameless if, in closing it, they had not also narrowed the channel.

As to the damages, I am inclined to agree with Mr. Rodd that the case is not one in which there should be a recovery as for a permanent injury. The erection complained of is upon the highway, and is wholly under the control of the defendants, and may at any time be so modified or changed as to remove all just cause of complaint. It is not, under the circumstances, the erection of the bridge which alone gives a cause of action to the plaintiff, but the flooding. And the flooding is not continuous, but only occasional. And for each occasion a new right of action would accrue. If there had been a by-law authorizing the erection of the bridge, the plaintiff's proper remedy would, I suppose, have been under the arbitration clauses of the Municipal Act, in which case his damages would have been ascertained and fixed once for all. But, there being no by-law and the defendants objecting, doubtless for good reasons, I think the sum ($2,000) allowed by the learned referee under this head cannot stand. See Darley Main Colliery Co. *v.* Mitchell (1886), 11 App. Cas. 127; West Leigh Colliery Co. *v.* Tunnicliffe & Hampson, Limited (1908), A.C. 27; Arthur *v.* Grand Trunk R.W. Co. (1895), 22 A.R. 89, in which a contrary conclusion was reached in the case of a railway company permanently interfering with a water course by the construction of their line, is, I think, distinguishable. See also McGillivray *v.* Great Western R.W. Co. (1865), 25 U.C.R. 69.

The other items of damages all appear to me more or less excessive. The learned referee made a considerable reduction, but, in my opinion, by no means enough, especially in the case of two items which I will presently deal with. He assumed to reduce a total of $4,690 by $1,690. But the correct total is only $4.184.90. Included in this is an item in the particulars of $2,200, which the plaintiff himself says was only intended to be $1,700. So that, making the correction the total of these items would stand at $3,684.90. And deducting the $1,690, taken off by the learned referee, the result would be $1,994.90. But the $2,200, item for loss of 17 acres of tobacco land in 1909, and the one next of loss of 15 acres in

the previous year, which is put at $692, both of which are clearly for estimated future profits upon crops which were never even sown, are quite too remote, and cannot be allowed. Unfortunately, the learned referee has not, in his judgment, discussed this question, although the foundation for what, in my opinion, is the proper measure of such damages is given in the evidence, namely, the annual value of the land. This is placed by the plaintiff himself at the highest at $10 per acre, for what is called "tobacco land," and for ordinary land $3 to $3.50 per acre. The total loss on those two items at $10 per acre would be only $320, instead of the enormous sums which the plaintiff claims; and, at that sum, I think, they may with justice to the plaintiff, stand.

The other items in the particulars not before dealt with amount in all to $81,291.90. I do not propose to deal with each of them in detail. I do not, of course, know how much of the total deduction of $1,690, which the learned referee made, he intended to ascribe to the two items with which I have just dealt. But, from what is said in the judgment, it may, I think, be assumed that he did not intend the reduction to be wholly confined to them. With this idea, I think a proper and indeed a liberal sum to allow in respect of all the remaining items which make up the $1,291.90, would be $1,000, or in all, with the $320 for the tobacco lands, $1,320, to which sum judgment should, in my opinion, be reduced.

And, in view of the very substantial relief so afforded to the defendants, to obtain which an appeal was necessary, I think the plaintiff should pay the costs of the appeal; and that the cross-appeal should be dismissed with costs.

McLaren, J.A., concurred.

Magee, J.A.: It is manifest that the matters involved are not such as under the Municipal Drainage Act (9 Edw. VII., ch. 78, sec. 1) or 10 Edw. VII., ch. 90, sec. 98, should have been brought in the first place before the referee appointed under that Act. No petition, report, resolution or by-law relative to drainage is attacked, nor is there any claim or dispute in respect of anything done or required to be done under that Act or consequent thereon or by reason of negligence in any such regard, nor was any mandamus or injunction asked in respect of any such matter.

The defendants, however, set up that, because, as they alleged, the damage, if any, had in part resulted from the drainage works of other municipalities, the High Court of Justice had no jurisdiction to try the issues. The plaintiff seems to have acquiesced in the propriety of transferring the case to the drainage referee; and, on his application, an order was made, evidently by consent, as is stated and appears from the correspondence. That order, dated the 18th May, 1910, recites that it appears that this action involves the question of drainage, and it directs that the matter in dispute between the parties be transferred for trial by the referee appointed under the Municipal Drainage Act, to be tried pursuant to the provisions of that Act, and that all costs, including the extra costs, if any, occasioned by not bringing the action originally under the provisions of that Act, should be in the discretion of the referee.

Although not properly a claim which should have been brought before the drainage referee, there is also power under sec. 99 of the Municipal Drainage Act, 10 Edw. VII., ch. 90 (formerly sec. 93A, as enacted in 9 Edw. VII., ch. 78, sec. 2) to transfer an action to the referee if the court or judge is of opinion that the same may be more conveniently tried before and disposed of by the referee. That section provides that the referee shall thereafter give directions for the continuance of the action before him, which shall be as far as practicable in conformity with the

provisions of that Act; and, subject to the order, all costs shall be in his discretion. There is nothing to show that this power of transference for more convenient trial was not intended to be exercised. The order must now be taken to have been properly made.

If the defendants had merely maintained the bridge and embankments, which were contributed to if not constructed by them in 1892, or had merely replaced the bridge with another having as wide an opening for the water. I do not think the evidence would have established that any injury would have been caused to the plaintiff's land by obstructions therefrom to the flow of waters naturally passing down Cedar creek or coming from lands naturally or actually draining into it at the time that bridge was built.

If there would have been any flooding over his dyke, it would have been owing to what the witnesses call an immense body of water poured into the creek by artificial drains constructed after 1892 from lands, some of which at least did not naturally belong to its watershed and were not riparian to it.

Whether that artificial increase of the waters was rightful or wrongful, the township corporation, knowing of it when building the new bridge in 1907, chose to narrow the passage still further; and, whereas the old bridge had an opening of 70 feet, less the width of four or five piles, that of the new one was only 62 to 66 feet. Thus, except possibly as to ice and logs, they aggravated the condition of probable danger to the plaintiff, and made themslves parties to the injury which subsequently resulted to him from the combination, and rendered themselves liable to him therefor.

The plaintiff had no right to have the passage across the intervening strip of land to the lake, which the creek had in 1897 forced for itself below his land and above the bridge, kept open by the owner of that strip of land or by the defendants. And although, when the defendants closed that passage in 1907, the natural bed of the stream had to some extent filled up with silt, owing probably, in part at least. to the current being diminished by that forced passage, and was in consequence less able to carry off the water, yet the other cut to the lake, which was opened in 1908, immediately below the bridge, seems to have fully made up for that, and afforded sufficiently free course for the water when once it had passed the bridge. But the real trouble was at the bridge itself, and for that the defendants had made themselves liable.

I agree that plaintiff was not entitled to damages as for permanent injury to or supposed reduction in value of his lands from possible future recurrence of floods or the danger of them from this preventable cause. Indeed, the danger of flood from Lake Erie itself during its periods of high water would sufficiently account for any reduced value. I also agree that the other damage assessed should be reduced as indicated by my brother Garrow, and that the judgment should be varied accordingly.

Judgment below varied.

(IN THE COURT OF APPEAL, ONTARIO.)

June 28th, 1912.

Reported 27 O.L.R., 107.

Re Township of Orford and Township of Aldborough.

Where what is proposed is not the construction of a new drainage work but merely the repairing and improving of an existing system which experience has proved to be defective in that it provides no adequate outlet, the work falls within sec. 77 of the Municipal Drainage Act, and can be performed without a petition.

The test in determining outlet liability under the Act is where the drainage work is necessary in fact or in law to enable or improve the cultivation or drainage of the land proposed to be assessed, and lands can be more effectively drained after the construction of the drainage work than before, because they will have an outlet which they did not have before, or where they are effectively drained but their waters are not taken to a sufficient outlet, so that, legally speaking, they have no outlet at all and the drainage work will give them a sufficient outlet, they are assessable for outlet liability.

The judgment of the drainage referee dismissing an appeal from an assessment in respect of a proposed drainage work was affirmed.

Per Garrow, J.A.: Where the work proposed is not the construction of a new drainage system, but merely the improvement and repair of an established system which experience has proved is defective, in that lands and roads along its course are being flooded from year to year by the overflow of waters, for which that system provides no adequate or sufficient escape, the case falls within sec. 77 of the Municipal Drainage Act, 1910, 10 Edw. VII., ch. 90, as to "repairing upon report," and a petiton is unnecessary.

Effect of the amendment of sec. 75 of the former Act, by 6 Edw. VII., ch. 37, sec. 9, and Sutherland-Innes Co. *v.* Township of Romney (1900), 30 S.C.R. 495; Township of Orford *v.* Township of Howard (1900), 27 A.R. 223; and *In re* Township of Rochester and Township of Mersea (1901), 2 O.L.R. 435, considered.

Where small creeks, entitled in strictness to be called water courses, have lost their natural character and become part of an official drainage system created under the drainage laws of the Province, the part of the system which was once a natural water course is entitled to particular immunity, under the law, over the parts which are purely artificial. The whole must operate so as to discharge the waters which it gathers, at a proper and sufficient outlet.

Re Township of Elma and Township of Wallace, (1903), 2 O.W.R. 198, and McGillivray *v.* Township of Lochiel (1904), 8 O.L.R. 446, distinguishred. Sec. 77 of the Act should not be given a narrow construction, and its provisions justified the assessments made against lands and roads in the Township of Orford in respect of a proposed extension of a former drainage work.

The contention that the proposed work did not improve the existing outlet or furnish a sufficient outlet was determined against the appellant by the drainage referee upon the facts, and the court declined to interfere.

Per Meredith, J. A.: The points raised upon the appeal involved questions of fact only, and the decision of the referee should not be interfered with.

Appeal by the Municipal Corporation of the Township of Orford from the report or decision of George F. Henderson, Esquire, K.C., Referee under the Drainage Laws for the Province of Ontario, dismissing with costs the appeal of Orford from the report of G. A. McCubbin, O.L.S., dated the 21st of May, 1910, whereby he assessed and charged the sum of $3,225.00 against lands and roads in Orford in respect of a proposed drainage work in a natural creek or watercourse in Aldborough.

The reasons for the decision of the referee, given on the 8th September, 1911, were as follows:—

The drainage scheme in question on this appeal is one initiated by the Corporation of the Township of Aldborough, without a petition, for the extension of a former drainage work, known as the Pool drain, which had its outlet at a point in Aldborough, a very short distance to the west of the road between lot 3 and lot 2 in that township. The Pool drain was an improvement of a portion of a creek, known as the Kintyre creek, the headwaters of which arise some three or miles further up in the township of Orford. Some ten miles up, in a more southerly portion of the township of Orford, there is the beginning of another creek, known as the Fleming creek, which has an outlet in the Kintyre creek at a point on lot No. 6 in the 4th concession of Aldborough.

The present intended improvement is the result of a complaint made by one Robert Graham, upon whose lands the Fleming creek joins the Kintyre creek; and the proposition is to take up the improvement of the Kintyre creek at the point to which it had already been made west of the road to which I have referred, and to straighten, widen, and deepen that creek along its course to and beyond the junction, of the Fleming creek, as shown upon the plan of the proposed work which has been filed.

There are a large number of drains in Orford tributary to the Kintyre creek, all of which have been constructed under the provisions of the Municipal Drainage Act or the Ditches and Water Courses Act. Similarly, the usual number of drains have been dug in the upper portion of Orford tributary to the Fleming creek, the improvement of which itself is marked upon the plan as the McKerracher drain. I find as a fact, on the evidence, that the flooding of which Mr. Graham complained to the council, and as the result of which he suffered in common with his more immediate neighbours, was caused by water caused to flow from lands and roads in Orford into Aldborough and brought by the Fleming creek and the Kintyre creek to the lands in Aldborough, to their detriment.

I am satisfied, as a matter of law, that, in the result, lands in Orford are assessable because of this condition of things. The improved tributary to Kintyre creek has been altogether artificial down to the point at which the present work is intended to be commenced. It is a matter of particular importance, however, in view of the legal position taken by counsel for the appellant, that the Fleming creek has not been artificially improved throughout its whole length. Its artificial improvement ends at a point on lot B in the 6th concession of Aldborough, where the figures 68 appear on the plan filed as a portion of exhibit 1, that being the terminus of a proposed improvement of the Fleming creek now pending. I inspected such portions of the locality in question as the parties thought proper yesterday, and think it proper to state that a view of the locality is of very great importance in this action; that is so is largely because of the fact that the land is not only what is called rolling land, but rolling to a very considerable extent. The highways which we traversed are laid out along the road allowances provided by the surveys, but one goes a very short distance at any time before coming to a steep decline in the road,

reaching down to approximately the water level, and then again followed by a steep ascent to higher ground. Generally speaking, the ground surface, except as to these low places, is some fifteen to twenty-five feet higher than the level of the creek. Each of these creeks itself runs along the bed of an unusually wide depression, and care has to be taken in estimating the evidence (if transcribed) to distinguish between the banks of the creek and the edges of the waterway itself. There are large stretches of good land on either side of the waterway. The high banks occur at the outer limits of these stretches.

The matter has been argued by counsel for the appellant on the assumption that the creek in its original condition must be taken to be the land level between the high banks, no matter how far apart these may be. I do not understand that it is the intention of the law that riparian proprietors should be entitled to the natural flow of the water at times of high freshets, no matter how far back that flow would extend. If that were the case, there are certain portions of this Province where the rights of the people up-stream would be so great as to prevent the cultivation of many miles of very valuable farm property; and if the argument presented were pushed to its logical conclusion, the result would be to defeat the purpose of the Drainage Act in very many cases. There must, of course, be an application of common sense to each particular case; and, whether I am right or wrong, I always endeavour to administer the law according to the particular case; and in this particular case, throughout almost all the course of the water as I saw it yesterday, I found the high banks to be so far back from the actual waterway and the quantity of land between the high banks and the actual waterway to be so extensive and so valuable that I think the matter must be treated as if the rights of the parties depended upon the flow in the actual waterway; and I so treat it. I elaborate that idea because I think it necessary in order to enable the intention of the engineer to be carried out, that intention being to render fit for cultivation during ordinary seasons all the low-lying lands between these high banks, which are now unfitted for cultivation because of the fact that they are flooded so frequently that it is unsafe to attempt to crop them. I cannot accept the evidence of those who say that the lands are not now flooded as seriously as they were ten or twelve years ago. I prefer to accept the evidence of the others, who say that the flooding has been increasing as the years go by. I note the fact that there has been no real attempt at cultivation of the flats for the last period of ten years or thereabouts, and that apparently there was some attempt at cultivation of portions of the flats before that time. I do not seriously regard the position of the witness, who is still cultivating an acre of his flats.

That is the witness D. McMillan, if I recollect rightly. His case illustrates the care that has to be taken in considering the situation as it is on the ground. I can quite appreciate that from his point of view there is no particular injury because of water brought down, because his flat land is so irregular in its natural conformation that it would be very difficult to cultivate it, even if it had perfect drainage. I can quite appreciate the position of his namesake, higher up, who has 290 acres of land and does not regard as a matter of consequence the injury to a couple of acres only of that large tract which he has never wanted to cultivate. A portion of it is in rough bush or slash, and it answers for pasture at the upper end of his farm. So, too, with some of the others who were called. They are men who do do not want to pay the charges which the engineer has imposed on them.

If they had less land, and required to cultivate the land they had, they would probably feel different from what they do feel. In estimating the evidence of wit-

nesses of that class, one has to regard their actual condition. The fact remains that damage is occasioned to the lands of Mr. Graham and his neighbours, and that Mr. McCubbin proposes to do away with that damage by the very simple expedient of straigtening, widening, and deepening the creek through their lands. Some of these men have already had sufficient enterprise to do that sort of thing on their own lands, although they have not done it to the extent which would be necessary in connection with the larger scheme now under way. For that the engineer gives them credit. The engineers agree, as they must agree, that the fact that there are many windings in the stream is a very important element causing damage.

Coming back to the question of legal liability, I am satisfied that the matter has resolved itself into the application of the judgment of the Court of Appeal in the case of Township of Orford *v.* Township of Howard (1900), 27 A.D. 223. In fact, I am told by counsel for the respondent that Mr. McCubbin had that decision in view in making the report which he has made, and that he was advised that he could not make the report had it not been for that decision. As I understand it, the Court of Appeal there holds that there may be an assessment for injuring liability, where, as a matter of fact, lands are injured by water brought down artificially from high lands, although not brought down to the actual point where the injury occurred, which is important here in view of the fact, already noted, that there is a considerable portion of the Fleming creek which is yet in a state of nature, and which is located between the now proposed improvement of the Fleming creek and its junction with the Kintyre creek.

I find, on the evidence, as I have already stated, that the injury is caused by the waters which come down the Fleming creek, as well as by the waters which come down the Pool creek. And, if I am right in my understanding of this decision, the result of that finding is, that lands in Orford to which these waters come are assessable, as a consequence. It is contended that, because the proposed improvement of the Fleming creek drain finds an outlet within the meaning of the Act, at station 68, to which I have referred, there can be no liability attaching to lands in Orford beyond that point.

At first blush that would seem to be a very formidable contention, but there again I apply the knowledge gained on the inspection and note that the improvement of the Fleming creek drain, for the small section over which it is being improved, is for a strictly localised purpose, which has no effect at all upon the facts which lead to liability in this case. At the point where the Fleming creek is being improved, there is one of the dips of country to which I have referred, and there is a short, comparatively short, space through which the highway is very materially affected by reason of the overflow of that creek. The improvement there will not materially affect the flow of water down Fleming creek. It will result in enabling the township corporation to take proper care of its roads, and will, of course, be of some benefit to, or perhaps relieve from injury some of the adjacent lands; but it will not either prevent or to any appreciable extent facilitate the flow of the water from Orford which occasions damage to the lands in Aldborough now in question. It will, of course, bring down more water which would otherwise be evaporated, but the amount will be so small in comparison with the whole volume of water with which we are concerned, that I cannot feel that it should weigh in the determination of this present appeal.

Dealing with the question of whether or not the old outlet of the Pool drain is sufficient, I am satisfied, as the findings I have already made indicate, that it is not and never has been a proper outlet for the waters which are conducted to it. It

may be that the assessment as to waters tributary to the Kintyre creek in Orford would be more properly outlet assessment; but, in view of the fact that there is not practical difference in this case in the result between the assessment for outlet liability and assessment for injuring liability, I have not thought it fit to suggest any alteration in the report. Had there been any practical difference so as to necessitate a re-adjustment of the assessment, I might possibly have thought fit to suggest that.

But, however one regards it, the result is the same. There are waters brought to the old outlet, and which flow beyond it, causing damage to lands below. These waters occasion injury, and the engineer is justified in relieving them and in assessing the lands which cause the injury accordingly.

It may be convenient shortly to state the practical distinction between injuring and outlet liability, in view of the fact that many lawyers and most engineers complain of difficulty understanding it. Where lands can be more effectively drained after the construction of the drainage work than before, because they will then have an outlet which they did not have before, they are assessable for outlet liability. Where lands are effectively drained, but where there waters are not taken to a sufficient outlet, so that legally speaking they have no outlet at all, and the drainage work will give them a sufficient outlet, they are again assessable for outlet liability. The test is that, in order to enable an assessment for outlet liability, the drainage work must be necessary, in fact or law, to enable or improve the cultivation or drainage of the land assessed.

Where, in the course of his examination, the engineer finds lands suffering injury from water brought from upper lands by artificial means, and his proposed work will pick this water up and carry it to a sufficient outlet, he can assess for injuring liability the lands from which the water causing the damage is so artificially brought. This is usually on pretty much the same state of affairs as the second kind of outlet liability, but from the opposite point of view, the test now being the existence of injured lands seeking relief, not higher lands seeking outlet. It follows that the extent of the liability differs in each case, as set out in the respective sections.

An attack is made upon the engineer's principle of assessment, and it is said that he erred in arriving at his assessment for injuring liability, leaving his assessment for outlet liability to follow, and that for benefit to follow again. I do not so understand the evidence of the engineer. That evidence was given when he was under cross-examination, and when he was endeavouring to answer, to the best of his ability, leading questions such as counsel would put to him in cross-examination. It was counsel for the appellant who took up the question of injuring liability first, and I do not understand that the engineer did so. I noticed that he used the phraseology of the statute in answering questions put to him, showing that he knew what he was talking about, and knew what he was doing when he made the assessment.

I am satisfied, as a result of his evidence, that his charge for injuring liability was limited to the extent of the cost of the work necessary for the relief required; but I do not understand that he assessed to that extent. I have no warrant for holding, on the evidence, that there was anything wrong about the engineer's principle of assessment; although, perhaps, it is proper that I should say that I agree with counsel for the appellant that, while the Act says that the assessment may be to the extent of the cost of the work necessary for the relief of the injured lands, it does not at all follow that it should be so. Benefit should first be taken into account,

and then outlet liability, and then injurious liability, although probably in many cases, as was the case here, in practical result, outlet liability and injuring liability will run side by side.

Another contention of the appellant is, that the scheme is not continued to a sufficient outlet, within the meaning of the Act. I cannot so find upon the evidence. Mr. Laird and Mr. Manignault compare it with the present pool outlet, but overlook the all-important distinction that in the one case lands below are injured and in the other no injury is anticipated by either the engineer or the owners of the lands below. Again, the particular facts of the particular locality become important.

I am also asked to find on the evidence that the assessment on lands in Orford is excessive. The total cost of the work, apart from a certain branch which is assessed exclusively upon Aldborough, is $6,645.00. For injuring liability lands in Aldborough are assesed at $1,094.00 and lands in Orford at $3,225.00. There is a small assessment for outlet liability, $126.00, on lands in Aldborough, and an assessment of $2,200.00 for benefit on lands in Aldborough. No evidence has been called to criticise the assessment for injuring liability on lands in Orford. At first blush, again, the amount might seem large; but, when one thinks of the very large area which is very well drained by the two creeks and their tributaries, it is not surprising that the engineer has found it necessary to impose an assessment to the amount of $3,225.00. I cannot, on the evidence, say that he has in any way erred in that respect.

In the result, therefore, the appeal must be dismissed, with the usual result as to costs, and the costs in this case shall be on the scale of the High Court. The excess costs of the respondents, as between solicitor and client, shall be chargeable against the lands in Orford.

April 15 and 16, 1912.—The appeal was heard by Moss, C.J.O., Garrow, Maclaren, Meredith and Magee, JJ.A.

M. Wilson, K.C., for the appellant: The decision of the learned drainage referee was based upon the previous decision of the Township of Orford *v.* Township of Howard, 27 A.R. 223, which, as we contend, was not properly appreciated by him. The lands in Orford could not be assessed for outlet liability, and no such assessment was in issue at the trial, the assessment being for injuring liability alone. Here the burden is on the respondent to show that the appellant should pay for work done in the respondent township. It is submitted that the work in question could not legally be done without a petition; and that, even if it could lawfully be so done, the facts of the case do not warrant it. As to the necessity for a petition, see the Municipal Drainage Act, sec. 3, subsecs. 3 and 4, and sec. 77. There must be initiation on the part of the council in order to justify the work. The work in question is not desired by the appellant, and is useless to it, and the scheme should be set aside, as was done *In re* Township of Raleigh and Township of Harwich (1899), 26 A.R. 313. Reference was also made to the following authorities: Sutherland Innes Co. *v.* Township of Romney (1900), 30 S.C.R. 495, at pp. 516-518, which was considered *In re* Township of Rochester and Townships of Mersea (1901), 2 O.L.R. 435, at p. 439; *In re* Townships of Orford and Howard (1891), 18 A.R. 496, which was approved by Osler and Maclennan, JJ.A.; *In re* Township of Harwich and Township of Raleigh (1894), 21 A.R., 677, and followed in Broughton *v.* Township of Grey and Township of Elma (1897), 27 S.C.R. 495; Angell on Water Courses, 7th Ed., sec. 108 (*j*), p. 134, also p. 6 and cases there cited. (Garrow, J.A., referred to Young *v.* Tucker (1899), 26 A.R. 162.)

C. St. Clair Leitch (for the respondent), referred to secs. 77, 64 and 3 (3) of the Municipal Drainage Act, 1910 (10 Edw. VII., ch. 90), as giving the right to perform the work and make the assessment. Under sec. 77 no petition is required: *Re* Township of Dover and Township of Chatham (1909), 1 O.W.N. 327. (Meredith, J.A., refereed to *Re* Johnston and Township of Tilbury East (1911), 25 O.L.R. 242.) The question at issue is concluded by the Orford and Howard case in 27 A.R., *supra,* where the previous cases are discussed: see especially the judgment of Lister, J.A., at p. 230. He also referred to Young *v.* Tucker, *supra,* and to McGillivray *v.* Township of Lochiel (1904), 8 O.L.R. 446.

Wilson, in reply, referred to *Re* Township of Elma and Township of Wallace (1903), 2 O.W.R. 198, and *In re* Township of Caradoc and Township of Ekfrid (1897), 24 A.R. 576, 581, and argued that the Orford and Howard case was not applicable to the circumstances of the present case.

June 28.—Garrow, J.A.: The facts are very fully set out in the judgment of the learned referee, in the course of which he says:

"Dealing with the question of whether or not the old outlet of the Pool drain is sufficient, I am satisfied, as the findings I have already made indicate, that it is not and never has been a proper outlet for the waters which are conducted to it. It may be that the assessment as to waters tributary to the Kintyre creek in Orford would be more properly outlet assessment; but, in view of the fact that there is no practical difference in this case in the result between the assessment for outlet liability and assessment for injuring liability, I have not thought it fit to suggest any alteration in the report. Had there been any practical difference so as to necessitate a readjustment of the assessment, I might possibly have thought fit to suggest that. But, however one regards it, the result is the same. There are waters brought to the old outlet, and which flow beyond it, causing damage to lands below. These waters occasion injury, and the engineer is justified in relieving them and in assessing the lands which cause the injury accordingly."

This seems tersely to epitomise the case with which we are called upon to deal.

Counsel for the appellant addressed us very fully and very ably upon certain objections, all of which are in their nature objections going to the jurisdiction of the council. These briefly stated, are: (1) That the proceedings should have been initiated by petition, and not by report without petition; and (2) that the work proposed is useless to Orford lands, which already have a sufficient discharge by the works already constructed, and for the construction of which the land-owners in Orford have paid their share; (3) that the Orford lands discharge into natural water courses, with defined banks, and are for that reason not liable for the proposed work; (4) that the proposed work does not improve the present outlet or furnish a sufficient outlet.

There were also objections as to the details of the assessment and upon the merits generally, all of which were very fully dealt with by the learned referee, with a knowledge and experience in such matters to which I cannot pretend; and I, therefore, content myself with a general agreement with his conclusions as to them.

Dealing now with the objections to the jurisdiction before mentioned, and taking them in their order, I am quite unable to follow the learned counsel in his contention that a petition was necessary. The contention necessarily implies that if there had been a petition the objection would fail. I could more easily understand an argument that, even upon petition, the circumstances are such that the relief could not lawfully be granted; and that, that being so, there could be no relief, either upon petition or report—in view of the fact which we have here of an inter-

vening water course. Such an argument would have had some show of virtue, and even of authority (see *In re* Township of Rochester and Township of Mersea, 2 O.L.R. 435), under the old and narrower construction of subsec. 3 of sec. 3 of the Municipal Drainage Act, 1910, by reason of the absence from it of the words "either directly or through the medium of any other drainage work or of a swale, ravine, creek or water course," which are in subsec. 4. The "any means" in subsec. 3 did not, so it was held, include a "swale, ravine, creek or water course"—always, it seems to me, an excessively narrow construction. But if it be granted, as it apparently is, that the relief required could be obtained on petition, the objection seems utterly to vanish. What is proposed is not the construction of a new drainage work, but merely the repair and improvement of an established system which, experience has proved, is defective, in that lands and roads along its course are being flooded from year to year by the overflow of waters for which that system provides no adequate or sufficient escape. Such a case seems to me very clearly to fall within the express provisions of sec. 77 of the Municipal Drainage Act as to "repairing upon report."

In considering such cases as Sutherland-Innes Co. *v.* Township of Romney, 30 S.C.R. 495, and Township of Orford *v.* Township of Howard, 27 A.R. 223, both of which were much discussed before us, it should be remembered that this section, which is the old sec. 75, was very materially amended after both these decisions, by 6 Edw. VII., ch. 37, sec. 9, so as to be made expressly to apply to the case of the better maintenance of a natural stream, creek, or water course, which had been artificially improved by local assessment or otherwise in the same manner and to the same extent and by the same proceedings as are applicable to the better maintenance of a work wholly artificial. The effect of this amendment is very wide. It destroys at one blow the value of much that was said in Sutherland-Innes Co. *v.* Township of Romney, never in some respects an entirely satisfactory decision: see *per* Armour, C.J.O., *In re* Township of Rochester and Township of Mersea, before cited, 2 O.L.R. at p. 436; it restores the authority of Township of Orford *v.* Township of Howard as an exposition of subsecs. 3 and 4, which had been shaken by the Sutherland-Innes case; and, quite apart from these, and from all the other cases decided before the amendment, it apparently gives a new and substantive right, directly applicable to the facts and circumstances which here appear.

It would perhaps have been better if the Legislature had expressly made the words which I have quoted from subsec. 4 applicable also to the previous subsection. To have done so would, at least, have saved some rather hair-splitting arguments upon the subject to which the Courts have had from time to time to listen. There is, upon the face of things, no good reason why injuring liability should stand upon one foundation and outlet liability upon another and a different one. It must surely often happen that certain sections or lots in a drainage scheme are liable for both. In Township of Orford *v.* Township of Howard, Lister, J.A., apparently with the concurrence of the other members of the Court, held that the amendment of subsec. 4 by the introduction of these words had had the effect of also enlarging the meaning of subsec. 3—a conclusion fortified and put beyond question by the subsequent amendment, which, while not primarily directed to subsec. 3, is directed to another and a minor phase of the same subject-matter.

The second and third objections, which are somewhat related, may perhaps be conveniently considered together.

It is not, in my opinion, necessary in this case to discuss the general question of the riparian right of drainage into natural water courses for the purpose of agri-

culture. The facts in the cases of *Re* Township of Elma and Township of Wallace, 2 O.W.R. 198, and McGillivray *v.* Township of Lochiel, 8 O.L.R. 446, to which counsel referred and upon which he relied, were very different. Fleming creek and Kintyre creek, both, although small, entitled in strictness to be called water courses, long ago lost their natural condition and became part of an artificial drainage system created under the drainage laws of the Province. The law permits that to be done. And, when it is done, the part of the system which was once a natural water course is entitled to no particular immunity, under the law, over the other parts which are purely artificial. The whole must operate so as to discharge the waters which it gathers at a proper and sufficient outlet. The law at least aims at affording complete relief from the common enemy, and not merely a nominal or paper relief, or the relief of one section of the locality at the expense of another. And until this main object is secured, I see nothing in the act pointing to the finality upon which so much of the argument was based. Sec. 77 provides that: "Wherever, for the better maintenance of any drainage work constructed under the provisions of this Act or any Act respecting drainage by local assessment, *or to prevent drainage to any lands or roads* it is deemed expedient to change the course of such drainage work, or make a new outlet for the whole or any part of the work, or otherwise improve, extend or alter the work . . . . the council . . . . may . . . undertake" the work.

These words are very large, but not too large for the accomplishment of the very desirable purpose aimed at by the Legislature; and they should not, in my opinion, be narrowed by the construction for which the appellant contends.

The remaining objection, of the insufficiency of the proposed outlet, is a question of fact depending upon the evidence, and was determined against the appellant by the learned referee. The learned referee, in the course of his judgment, points out the importance in this case of a personal inspection which he had made. Whether or not his conclusion upon this objection was affected by the inspection does not, I think, appear; but, however that may be, while the finding is not in some respects entirely satisfactory, I am not convinced that it is not erroneous. And I reach the conclusion with the less regret because the objection does not appear in the written notice of objections served by the appellant, which contains some thirteen other objections. If it had, it is quite possible that further and more satisfactory explanations would have been forthcoming.

Upon the whole, the appeal, in my opinion, fails, and should be dismissed with costs.

MEREDITH, J. A.: I desire to say that, as they appear to me, all the points raised and argued at such length on this appeal, involve, when properly looked at, questions of facts only.

The question whether the scheme was properly launched without a petition is simply a question whether, on its facts, that scheme came within the provisions of sec. 77 of the drainage enactment.

Upon such a question, the finding of the drainage referee, who had all the ordinary advantages of a trial judge, as well as the advantage of a personal inspection of the locality and of the work—especially when that finding is in accord with the drainage engineer's judgment—is not lightly to be reversed in any Court of Appeal, even if otherwise one might be inclined to reach a different conclusion, which I am not, and so the appeal fails upon that branch of it.

So, too, as to the sufficiency of the outlet, and also as to the method of assessment, and the amount of the several assessments.

The provisions of the drainage enactment ought not to be employed to such an extent as to be oppressive or unreasonably burdensome; the duty of municipal councils is, or ought to be, a safeguard against that; nor should unauthorized methods be taken to effect that which cannot be effected by authorized methods; the Court should prevent that; but there is, as far as the evidence shows, nothing objectionable in this case in these respects.

I concur in dismissing the appeal.

Moss, C.J.O., MacLaren and Magee, JJ.A., also concurred in dismissing the appeal.

Appeal dismissed.

(DIVISIONAL COURT.)

October 10th, 1912.

McGUIRE *v.* TOWNSHIP OF BRIGHTON.

(Reported in 23 O.W.R. 223 and 4 O.W.N. 137.)

Action against a municipality for alleged damages resulting from the flooding of plaintiff's lands said to have been caused by defendants' diversion into a creek of more water than it could take care of according to its natural capacity. Defendants claimed that in its natural state the creek overflowed.

Rogers, Co. C.J., awarded plaintiffs $350 damages and costs.

Divisional Court *held,* that if the evidence showed the creek overflowed in its natural state, it was convincing proof that defendants' diversion increased the overflow and rendered them liable to damages.

That where an action for damages arises out of the doing of violence to another man's rights, the amount of damages is not to be weighed in scales of gold.

Appeal dismissed with costs.

(For a discussion of the law applicable see Moore *v.* Cornwall, 23 O.W.R. 114.)

An appeal by the defendants, the corporation of the township of Brighton, from a judgment of His Honour Judge Rodgers, the Junior Judge of the County Court of the united counties of Northumberland and Durham, awarding the plaintiffs, Archibald McGuire, Frank McGuire, and Patrick McGuire, the sum of $350.00 damages in perpetuity, in lieu of an injunction, in an action to restrain the defendants from bringing on the plaintiff's land a greater volume of water than naturally came thereon, which, as the plaintiffs alleged, had been done by a drain or ditch constructed by the defendants and a double culvert crossing the road opposite the plaintiffs' farm.

The appeal to Divisional Court was heard by Hon. Sir Wm. Mulock, C.J.Ex.D., Hon. Mr. Justice Clute and Hon. Mr. Justice Riddell, on the 9th and 10th October 1912.

E. Gus. Porter, K.C., for the defendants.

W. F. Kerr, for the plaintiffs.

Their Lordships' judgment was delivered by

HON. SIR WM. MULOCK, C.J. Ex.D. (V.V.): Mr. Porter relies on what is, we think, a correct statement of the law, the proposition of law that the defendants have the right to drain surface water into the creek in question, it being a natural

water course, provided that no greater volume of water is drained into the creek than, according to its natural capacity, it can take care of. He did not elaborate the proposition thus fully, but what I have said is a fair paraphrase of the proposition.

According to Mr. Porter, the evidence shows that, before the defendants drained any surface water into the water course, it periodically overflowed its banks. It is still in its normal condition, having never been deepened or had its capacity increased. It, therefore, must follow that, when the defendants brought into it a larger volume of water, they increased the overflow; and, thus increasing the overflow, they are liable for doing what they have no right to do, namely, turning into this water course a volume of water in excess of its natural capacity—thus having committed a wrong for which they must answer in damages or by injunction.

As to the amount of damages, the learned trial judge has named a very moderate sum. In actions for damages arising out of the doing of violence to another man's rights, the amount is not to be weighed, as my brother Riddell correctly observes, in scales of gold. A man who commits a wrong against the property of another must take the consequences, and cannot complain if the damages awarded should slightly exceed the actual damage sustained. The situation is brought about by his wrongdoing.

If the defendants here had been influenced by a due regard for the plaintiff's rights, they might have negotiated with them for the deepening of the water course and put it into such condition that it would have taken care of the drainage, whereby all this litigation would have been avoided. Instead of so acting, they proceed in a lawless way to act without reference to the plaintiffs' rights. There is no evidence controverting the estimate made by the plaintiffs as to the damages, and the amount awarded is a moderate capital sum for the probable annual damage. Mr. Porter prefers damages to an injunction. Therefore we will not disturb the finding of the learned trial judge as to the amount awarded, and dismiss the appeal with costs.

(DIVISIONAL COURT.)

October 21st, 1912.

MOORE *v.* CORNWALL.

(Reported in 23 O.W.R. 112 and 4 O.W.N. 145.)

Action for an injunction and $300 damages in respect of an alleged nuisance caused by defendant corporation in that they permitted certain waters sometimes of an offensive character to flow from and seep through an open drain on the highway on to plaintiff's lands, thus ruining his crops. Defendants denied that any waters came from their drain on to the plaintiff's lands and alleged another source.

County court judge dismissed action with costs.

Divisional Court *held*, that upon the evidence plaintiff's allegations had been proven, and that he had therefore shown a good cause of action.

Smith *v.* Eldon, 9 O.W.R. 963, followed.

Appeal allowed and injunction granted, damages fixed at $200 with costs of appeal and trial on County Court scale if plaintiff consent, if not, reference to County Court Judge and question of costs reserved.

Review of authorities as to municipal negligence for damages caused by flooding, etc., by Lennox, J.

An appeal by the plaintiff from a judgment of the County Judge for the United Counties of Stormont, Dundas and Glengarry.

The appeal to Divisional Court was heard by Hon. Mr. Justice Riddell, Hon. Mr. Justice Kelly, and Hon. Mr. Justice Lennox.

C. H. Cline, for the plaintiff.

R. Smith, K.C., for the defendant municipality.

Hon. Mr. Justice Riddell: The plaintiff is the owner and occupier of lot 7, south of Ninth Street, in the town of Cornwall. On a lot a short distance west of his lot is built a furniture factory. Some years ago the town constructed a tile or covered drain opposite this factory, on the south side of Ninth Street, from the west nearly to the east line of lot 9—then dug an open ditch or drain east on the south side of Ninth Street, past the plaintiff's lot, and on down to Fly creek. The plaintiff complains that his lot has been overflowed with water from this drain from time to time.

In 1905 a committee of the town council reported as follows: "Your committee begs to report having investigated Mr. Wm. Moore's claim to have suffered damage through water flowing over his lot No. 7, s.s. 9th Street. As the principal damage was alleged to have been caused by the flow of hot water from the Cornwall Furniture Factory, your Committee asked Mr. Edwards and Mr. Moore to meet them and discuss the matter. As a result of this Mr. Moore consented to modify his claim of $40. Your committee now recommend that Mr. Moore be paid $20 for the hay destroyed in the years 1903 and 1904, the amount to be divided equally between the municipality and the Cornwall Furniture Company, the Company to be relieved from any further liability."

The plaintiff accepted this proposition; he was paid $10 by the municipality and $10 by the company.

But the trouble continued and the plaintiff brings his action.

At the trial it was to my mind proved beyond controversy by witnesses to whom the learned judge gave a high character, that the difficulty is that the town constructed the open drain in such a way that it will fill up, and they neglect to clean it out. It is true that the plaintiff might a little diminish the evil effects of the defendants' negligence by himself digging a water course; but he is not called upon to do that. And while it is true that some little of the damage to his lot is done by the occasional backing up of Fly creek, it is clear that most is due to the negligence of the town.

The neglect of the town to clean out the open drain has caused the plaintiff's lot to be overflowed from time to time by the waters of the drain, and also a more continuous seepage into the plaintiff's land.

For this an action lies Smith *v.* Eldon (1907), 9 O.W.R. 963, and cases cited.

I do not see that there is any real contradiction by the witnesses for the defence, and I would allow the appeal with costs here and below.

It is not easy to estimate the damages on the evidence before us, and it may be that the parties will desire to have the damages assessed by the County Court Judge. If, however, the plaintiff will be content with damages assessed at $200 with costs on the County Court scale here and below, I think he should have judgment accordingly. If not, the defendants will be allowed to have the damages assessed by the County Court Judge, and costs of the action, appeal, and refer-

ence will be disposed of by one of us on application after the report of the County Court Judge.

Hon. Mr. Justice Kelly: On the evidence submitted to us I am unable to see how the defendants can escape liability. The cause of the trouble of which plaintiff complains is found in the manner in which defendants constructed the ditch, or drain, and allowed its contents at times to overflow on to plaintiff's lands when they should have kept the ditch cleaned out. This is clearly shown by the evidence of the witnesses called for the plaintiff, and their evidence is not contradicted to the extent necessary to remove the burden of liability from the defendants. In fact, it is not difficult to find in the statement of defendants' witnesses corroboration of plaintiff's contention in material particulars.

As to the damages to which plaintiff is entitled, while I have some doubt, on the evidence, what these should be assessed at, I am inclined to believe that the $200 suggested by my brother Riddell would fairly compensate the plaintiff. I therefore agree with his conclusion as to the manner of disposing of the appeal.

Hon. Mr. Justice Lennox: I think the appeal is well founded. The plaintiff is entitled to relief, and, if there is not a new trial, he should be allowed a substantial sum for damages, with costs.

I have had the advantage of reading the judgment of my brother Riddell, and I agree with him as to the way in which the appeal should be disposed of.

The trial occupied two days. The learned Judge of the County Court makes no findings and gives no reasons for his judgment. Brevity is rare, and is usually commended as a distinguished virtue, but, if I may say so without offence, it may be overdue, and its lustre obscured when shrouded in some seven hundred folios of undigested evidence, as in this case.

This thought is not at all new. The neglect of County Court Judges to assign reasons has frequently been referred to in appeals, and in a very recent case Mr. Justice Riddell is reported as saying: "The Divisional Courts have more than once said that County Court Judges should give reasons for the conclusions they arrive at; it seems necessary to repeat this once more."

I have read the evidence. It is established beyond question, almost beyond controversy, that before the construction of the sewer and drains complained of, the plaintiff was always able to grow good hay and at times grain crops upon the flooded land. It is also clear upon the evidence that immediately upon the construction of the drain, and ever since—except when the ditch has been temporarily kept clean—the plaintiff's land has been flooded and for the most part rendered unfit for crop of any kind. Independently, therefore, of the direct evidence of many witnesses, showing the actual flow for the last nine years, the conclusion is practically irresistible that the drain complained of had the effect of flooding the land in question; and, whether by direct overflow or by percolation does not to my mind matter at all.

The plaintiff and his witnesses, all who appear to have impressed the learned County Judge by their knowledge of the situation and their honesty, swore specifically to seeing the water upon the plaintiff's lands from year to year since the drain was constructed, that the water came from this drain, and that the land in question, now useless, was fairly good agricultural land before the construction of the drain.

Several witnesses were called by the defence, but they left practically undisturbed the evidence put in by the plaintiff.

As to the evidence of the experts—an engineer called by each party—I think it may be left out without any sensible loss to anybody. The learned trial judge said, concerning the expert witness called for the defence:

"When you bank everything upon an engineer's evidence you are putting theory against fact, and it is wonderful how they conflict at times. You can work out things most beautifully theoretically, but when it comes to facts things arise which conflict with theory."

Then as to the other witnesses for the defence, there are few of them who do not on some important point corroborate the plaintiff or his witnesses, or conflict with other evidence for the defence. For instance, the defendants' engineer swore that the bank at the lowest point was twelve inches high, and this would be sufficient to retain the water; but Henry Williams, who examined it on three different occasions, says "there was not much water, it might have been two or three inches deep, but the top of the water, I should say, would be on an average of two or three inches below the top of the bank"; or, in other words, from four to five or six inches deep all told.

A persistent effort was made to ridicule and discredit the evidence which traced the source of the water on the plaintiff's land by showing that steam was frequently rising from it, and that there were disagreeable odors at times; but this evidence was in the end clearly corroborated by John Green, an engineer in the furniture factory, who showed that the water-closets of the factory emptied into this drain, that water of high temperature was discharged into it, that in the winter he found that this drain was not frozen, and that little frogs were wintering there.

Charles Lant, the defendants' general superintendent of works, testified that when the ditch was cleaned out in June, 1911, the depth was increased from two to four inches, and after that there was from three-quarters of an inch to an inch and a quarter of water in it, and that the water could then rise six or eight inches without overflowing. This gives a total depth, when cleaned out, of say, eight inches, and from four to six inches before cleaning out. Yet, until this evidence was given, there was no pretence by the defence that six or even eight inches would be a sufficient depth to prevent an overflow.

Referring to this, and to the fact that the engineer had sworn to a depth of one foot at the lowest point, his Honour the trial Judge said: "I see the most violent conflict in this case. A number of reputable citizens have sworn to a certain state of facts which your engineer has worked out theoretically as impossible. I am not going to find out the particular reasons why these things occur. The engineers have agreed that if the ditch was flooded it would overflow. It seems to be a ditch that would very easily overflow, and a number of reputable witnesses have sworn that it did overflow."

James H. Ramsay saw the ditch after it had been cleaned out, and could detect from the banks how deep it had been. It had ranged at the lowest places from three or four inches to nine inches; and he says that in that condition "It was sufficient if no back water from the creek."

Speaking of drainage by Sidney Street, he says, "It would be a better outlet for the water, but there would be a longer distance of pipe." He is asked: "But you think, irrespective of distance, that it would be a better mode of drainage?" and he answers: "Yes, I do."

In reference to this the learned Judge said: "I cannot see why there should be any difficulty about running a pipe down Sidney Street to Fly creek, and it looks reasonable that if there is anything like half-a-mile difference, that you would get better drainage down there and less liability of blocking."

There were some witnesses who were sure that the water did not come in directly from the drain in question; but their evidence was theoretical, and could not reasonably displace the testimony of reputable witnesses speaking from the actual knowledge.

It is difficult, therefore, to surmise on what the judgment is based. If I may judge from the line of cross-examination of the plaintiff's witnesses, and enquiries made from time to time by the learned Judge, the error seems to be in assuming that if the lands in a state of nature were wet and comparatively useless—receiving large quantities of water from the lands to the north and west of them—it followed, *per se*, that there was no ground of complaint. This at all events seems to me to be the only plausible ground upon which the judgment could rest.

But it is clear that the defendants cannot collect and concentrate even surface water and put it upon the plaintiff's lands. Moss, J.A., in Ostrom *v.* Sills, 24 A.R. 256, at p. 539; Tucker *v.* Newman, 11 A & E. 40; Fay *v.* Prentice, 14 L.J.C.P. 298; Billows *v.* Sackett, 15 Barb. 96. In a state of nature this surface water was certainly widely diffused.

Increasing the quantity of the velocity, too, makes the defendants liable. Malott *v.* Township of Mersea, 9 O.R.

Bringing hot and foul water, as the defendants did, from the factory, they must keep it there at their peril; and this is the rule as to what Lord Cairns demonstrates "the non-natural use of the defendants' premises, whether the thing brought there 'be beast or water or filth or stenches.'" Rylands *v.* Fletcher, L.R. 3, H.L. 330. As said in Tenant *v.* Goldwin, Salk. 21, 361: "He whose dirt it is must keep it that it may not trespass."

To send down polluted water is always actionable. Hodgkinson *v.* Ennor, 32 L.J.Q.B. 231, 8 L.T. 451; Womersley *v.* Church, 17 L.T. N.S. 190; Reeve *v.* Toronto, 21 U.C.R. 60; Matthews *v.* City of Hamilton, 6 O.L.R. 198.

And the parties may be enjoined. City of St. John *v.* Baker 3 N.B. Eq. 358; Ballard *v.* Tomlinson, 29 Chy. D. 155.

The plaintiff is not called upon to show actual damage. Crossley *v.* Leighton, L.R. 2 Chy. 478.

The plaintiff need not have any property in the water until it actually comes upon his land, and it matters not whether it comes visibly, as by overflow, or invisibly by seepage underground. Ballard *v.* Tomlinson, above; where the whole question of pollution is fully considered.

A laboured effort was made, and much time taken up, to show that Fly creek chokes up and blocks this drain, and that the condition of Fly creek at high water accounted for the flooding of the plaintiff's land. Perhaps it did to some extent, but does it matter at all? The defendants argue that the creek overflows and the water spreads out west and reaches the plaintiff's land. Does it alter the situation if it does? A municipal corporation is not allowed to collect water and bring it down to the plaintiff's land without providing a proper outlet. City of Indianapolis *v.* Lawyer, 38 Ind. 248; Weese *v.* Mason, 39 Am. Rep. 135; Burford *v.* Grand Rapids, 53 Mich. 98.

Having brought this dangerous thing down to the plaintiff's land, the defendants were bound to keep it under control and carry it safely on to a proper outlet. It cannot affect the question of their liability whether they poured it directly from their drain or emptied it into an already full reservoir where of necessity, as the defendants claim, it would overflow upon the defendants' land.

This drain was in porous mucky land; seepage was inevitable at all times, and would be raised when the waters dammed up. The defendants knew of the damming—there were constant complaints—and even if they had only "reason to believe that the drain would choke," the municipality is liable. Scroggie *v.* Guelph, 36 U.C.R. 535.

They must exercise reasonable care in the construction of their works. Derinzy *v.* Ottawa, 15 A.R. 712, at p. 716; Reeve *v.* Toronto, *ante*.

The defendants were wrong *ab initia*. This drainage work was constructed at the instance of and mainly for the benefit of the factory company, and the defendants have no right to exercise their powers for the convenience of individuals; Fontain *v.* Corporation of Sherrington, Q.R. 23, S.C. 532 (Ct. Rev.); and they are liable for the acts of the company. Van Egmond *v.* Town of Seaforth, 6 O.R. 599.

The plaintiff asks for an injunction, and I think the facts show him to be entitled to have it; but damages from time to time, if the defendants are so ill-advised as to persist, will be a fairly adequate remedy; and the plaintiff himself has not regarded the injury as irreparable, if we may judge from the long delay in bringing this action.

(COURT OF APPEAL.)

November 19th, 1912.

TOWNSHIP OF ANDERDON *v.* TOWNSHIPS OF MALDEN AND COLCHESTER SOUTH.

(Reported in 23 O.W.R. 320 and 4 O.W.N. 327.)

Appeal by plaintiffs from the report of the drainage referee, assessing them with a portion of the cost of repairing and extending a drain. All parties to the litigation had been mulcted in damages by reason of the disrepair and insufficiency of a certain drain. The defendants, the township of Malden, initiated certain improvements to prevent the recurrence of the damage, and the engineer in charge reported that, as the plaintiff township was benefited by the proposed improvement, it should pay a proportion of the cost thereof. The report of the drainage referee accepted the engineer's proportion of the assessment as the correct one. Plaintiff urged that they could not be forced to pay improvements which they did not want.

Court of Appeal, *held*, that the work was necessary, and, under the statute, plaintiffs were properly assessed with a portion of the cost.

Held, further, that the report of the engineer-in-charge, unless clearly erroneous, or involving a question of law, should not be disregarded, he being statutory officer sworn to do his duty.

Appeal dismissed with costs.

An appeal by the plaintiff against the report of the Drainage Referee in a matter arising under the Municipal Drainage Act.

The appeal was heard by Hon. Mr. Justice Garrow, Hon. Mr. Justice MacLaren, Hon. Mr. Justice Meredith, Hon. Mr. Justice Magee, and Hon. Mr. Justice Middleton.

M. Wilson, K.C., and F. H. A. Davis, for the township of Anderton.

J. H. Rodd, for the township of Malden.

W. G. Bartlett, for the township of Colchester South.

Hon. Mr. Justice Garrow: Agreeing as I do with the conclusion of the learned referee it is not necessary to repeat here at any length the facts, which are very fully set forth and discussed in his judgment.

The proceedings were initiated by the township of Malden. The township of Colchester did not appeal either to the referee or this court.

The instructions to the engineer are contained in the following resolutions passed by the council of the township of Malden: "Moved by Mr. Campbell, seconded by Mr. Young, that whereas, 'In a certain drainage action brought by one Mary E. Bondy and Gordon Bondy against the townships of Colchester South and Malden, the drainage referee held that the Long Marsh drain had not been carried to a sufficient outlet, and the said townships were therefore held liable in damages for overflow. That therefore, Alexander Baird, C.E., be and he is hereby instructed to make an examination and report upon the said drain, providing for the putting of the said drain in a proper state of repair, and carrying it to a sufficient outlet, so as not to further damage the lower lands.'" Carried.

Fault is found by counsel for the appellant with the inclusion in this resolution of the enquiry as to the state of repair of the old drain, a subject provided for in the former by-law which could only be changed as pointed out in the statute, see 10 Edw. VII., ch. 90, sec. 72. And the objection extends to what was subsequently done by the engineer under the resolution, which it is said has varied the provisions as to maintenance contained in the former by-law.

The mere reference in the resolution to the question of repair was at least harmless, and may even have been quite proper as being involved in the larger question of improved outlet. If, however, it had been followed by a variation of the former provisions as to maintenance a different and more serious question would have arisen. But, as is set out in the judgment of the learned referee, whatever foundation the objection ever had was entirely removed before him by an amendment to the report, made with the consent of the engineer, so as to more clearly confine the provisions as to maintenance to the new work, which he said was what he had intended, but failed to clearly express.

The Bondy litigation has established that the Long Marsh drain had not been carried to a sufficient outlet, and it was conceded on all hands that something should be done to correct the then existing state of affairs.

The engineer, Mr. Baird, C.E., a man of skill and experience in such matters, after, it must be assumed, a sufficient examination, was of the opinion that to properly and sufficiently improve the outlet it was necessary to do the work which by his report he recommended, and that as so improved the drain could be used by and would be of benefit to lands in the appellant township, such lands should contribute in the proportion at which he assessed them.

It is not disputed, and it could not be, that for the purpose of obtaining the necessary outlet the township of Malden might, under the statute, initiate proceedings under which the work might lawfully be extended into the adjoining township, and that lands in such township might be assessed if the circumstances otherwise justified an assessment. The wide propositions advanced by the learned counsel for the appellant, that one township cannot invade another township except by a strict compliance with the provisions of the Act, and, one township cannot impose a drainage system upon a neighbouring township, are not, and need not be disputed, but seem upon the facts to be quite wide of the mark.

Whether what is proposed is more than is required for the purpose of obtaining the improved outlet, which after all must really be the main question, is not

a question of law but of fact, depending upon the evidence, and practically upon that of the experts of whom there were five, three called by the appellant and two by the respondent. And a perusal of their testimony shows practical unanimity upon the main proposition, that Mr. Baird in what he proposed to do does not exceed his instructions to obtain a sufficient outlet. As an example, Mr. Newman, C.E., was asked in cross-examination: "Q.—If what he was instructed to do was, namely, to take the waters of the Long Marsh drain to a sufficient outlet, what would you do that Mr. Baird has not done? A.—Practically what he has done. Q.—So that he has carried out in your opinion his instructions in that regard? A.—Yes." Mr. McGregor, C.E., agreed generally with the evidence of Mr. Newman, who preceded him in the examination. And Mr. Ure, C.E., the last to be called, said practically the same thing as Mr. Newman upon this subject. The criticism of all three was directed, not so much to the question whether what is proposed is excessive, as to the assessments in the appellant township which they all considered decidedly too large. On the other hand, Mr. McCubbin, C.E., called for the defendant, substantially agreed with the conclusions of Mr. Baird, both as to the necessity of the work and the justice of the assessment.

Into the details of the criticism of the assessment by the appellants' expert I do not propose to enter. In has in such matters of "much or little" been the custom in this Court, wisely in my opinion, to rely very much upon the conclusions of the engineer-in-charge. He is a statutory officer, sworn to do his duty. He has necessarily to make a close and careful examination and study of the whole premises, and his deliberate conclusions ought not, in my opinion, to be disregarded, except under clear evidence of error, or unless a question of law is involved.

In my opinion the appeal fails and should be dismissed with costs.

Hon. Mr. Justice McLaren: I agree.

Hon. Mr. Justice Meredith: The appellants were literally, as well as figuratively, drawn to the last ditch upon the argument of this appeal, and had, indeed, as was there forcibly—perhaps too forcibly—pointed out, no solid foundation for the appeal, in any respect, there.

The new drainage works were not only reasonably, but were necessarily, undertaken. The old drainage works proved to be insufficient because not carried to a proper and sufficient outlet. All parties to this appeal had been sued for damages arising from that defect, and such damages had been awarded against all of them in a judgment against which none of them appealed.

One of them then undertook the new scheme for the one purpose of relieving all, and all persons concerned, from the evil effects of the earlier scheme; and the report and scheme of the drainage engineer, which is now appealed against, are entirely to remove that defect in giving a good and sufficient outlet; whether in the long run they do effectually or not.

Then in order to get such an outlet the drainage engineer deemed it necessary to do all the work, and go to all the expense that his report provided for; in the doing of which he found that lands in Anderton would be benefited very largely; and he charged them accordingly with a share of the cost in proportion to the benefit to be had. In principle, I can see no reasonable objection to that course. What else could properly be done? And I have no doubt it is quite in accord with the purposes and the provisions of the drainage laws of this Province.

Whether in fact the scheme is too large or too small, or whether objectionable on any other question of fact, was threshed out very fully and carefully upon the appeal to the drainage referee, upon evidence which in its weight, is quite favourable

to the drainage engineer's views; views which have been sustained by the drainage referee; and views which have not been shown to be wrong here.

It is true that a very considerable sum of money is to be expended upon the intended work, and that a large proportion of it is to be taken from Anderton and its ratepayers; and it is true, too, that great care should be taken by everyone concerned that the drainage laws are not made unnecessarily burdensome upon anyone, and especially anyone who is not bringing them into operation in the particular case.

Here, however, the work, bridges and all, seems to be necessary, indeed unavoidable, and it is obvious that Anderton and its inhabitants must be greatly benefited by it.

Indeed, as I understood the appellants, they eventually took their main stand upon the contention that the new scheme involved works which was work of repair duly imposed under the earlier scheme, from which those upon whom it was imposed would be relieved; and that in such a case there could be no new scheme adopted because it disturbed the whole one in such a manner. But the obvious answer to that is, that in the new scheme all these things are taken into consideration, and new burdens are imposed which carry with them the old liabilities as nearly as can be.

I am but repeating that which was said during the argument more than once, and must refrain from again covering the old ground upon other and minor phases of the case; all of which expressions of opinion were heard and fully understood by the appellants upon the argument here; so that not too little, but very likely too much has been said.

The appeal, on all grounds, has failed.

(IN THE HIGH COURT OF JUSTICE.)

In the Matter of the Municipal Drainage Act.

LATIMER *v.* OSGOODE.

Ottawa, Ont., 21st Nov., 1912.

G. F. Henderson, K.C., Drainage Referee.
T. K. Allan, for plaintiff.
Geo. McLaurin, for defendant.

In a contract for drainage work where material classified and a pre-classification omitted, the contractor is entitled to be paid for work under the omitted classification on the basis of a *quantum meruit*.

A municipal councillor entrusted by his council with the supervision of a drainage work has no authority to release a contractor from his contract.

THE REFEREE: I have been somewhat aided in the trial of this litigation by the fact that before I undertook the duties which I am now performing, I had been for many years solicitor for the defendant township and I had a very close as well as a lengthy experience with the engineer, who is the engineer named in the contract in question in this action, as well as with several of the present members of the township council. This has enabled me to take upon myself to suggest a method by which the hearing has been very much shortened.

The evidence has been carried to a point where I have been able to foresee what evidence would follow, and counsel have been good enough to shorten the matter by waiving the taking of further evidence.

I am satisfied that by reason of the failure of the township engineer to take some definite stand after receipt of the letters which plaintiff wrote to him under date of August 23rd and September 21st, 1911, coupled with the fact that the members of the township council were aware that the plaintiff was under the impression that he had been relieved from his contract, as well as by reason of the fact that the engineer had through a misunderstanding of his proper position, omitted to make any reasonable inspection of the work during the summer months of 1911, the plaintiff is entitled to recover in this action without the production of a certificate, for as much as he would have been found entitled to, had the engineer made proper inspection and issued certificates for, during the course of the summer of 1911, or at the end of that season.

I accept Mr. Moore's statement as to the quantity of work done; 5485'2 yards of earth excavation at twenty-two cents, makes the sum of $1,206.74.

I appreciate the difficulty which the parties find in deciding as to the character of the material which Mr. Moore noted in his memorandum book as hard pan, because of the well-known fact that there is always great difficulty in deciding just what is, or what is not hard pan.

This material was not the kind of material which Mr. Moore intended to be covered by the term earth. It was worth more to the contractor to take it out than earth, and it was worth more to the people interested in the scheme to have it taken out. than a corresponding amount of earth. At the same time, Mr. Moore is not satisfied that it was hard pan.

It was therefore a material which was in practical effect not provided for by the contract, but which the contractor was to take out and for the taking out of which he is entitled to be remunerated on the basis of a *quantum meruit.*

In the discussion we have had, it is pretty well conceded, that if it is allowed for at one-half the price of hard pan the allowance would be a fair one, and that would be $48.75. Adding this to the sum of $1,206.74 we have $1,255.49. On this amount there has already been paid $820.29, leaving a balance of $435.20.

If the engineer had certified at the proper time he would have certified for that amount, less fifteen per cent. of the whole $1,255.49, or $188.32, which being deducted from the $435.20 leaves $246.88 as the amount for which the engineer's certificate would have issued, and it is that amount which I find the plaintiff entitled to recover, and to recover in this action.

It is desirable that there should be no future misunderstanding. There has already been what I take to be an entirely honest misunderstanding between the parties resulting from the fact that there was a practice in the council—quite a well-known practice—that the councillor for a particular district should have a pretty wide discretion as to the management of the affairs of the council applicable to that particular district.

In this case Mr. Stewart took it upon himself in good faith to tell the contractor that he would not be called upon to do any further work, and the contractor in good faith thought that Mr. Stewart had authority to represent the council, and considered his contract cancelled from that day.

As a matter of law Mr. Stewart did not have the authority to bind the council, and as a matter of law the council is not, even to-day, entitled to treat the contract as abandoned; the council as respects this particular drainage scheme represents the

ratepayers in the drainage scheme as their trustees, and has no right to cancel this contract.

The contract is to-day in existence, but by reason of the fact that matters have lain in abeyance for a year as the result of the honest misunderstanding to which I refer, it is only fair to the parties who represent the understanding which has to-day been reached, that if the plaintiff takes up the contract next season, as he now states his intention of doing, he will not be held liable for any penalties or other consequences of the delay which has ensued.

Mr. Moore was of the opinion that the work which the plaintiff has done up to date was not a completed work, and he approximates the deficiency of completion at twenty per cent.

I am satisfied, and I so hold now, that by reason of the engineer's failure to inspect the work, the plaintiff is entitled to have it held that the work, in so far as it has been done, was complete, and I have so dealt with it in estimating the amount for which he is entitled to succeed.

If, however, it appears that by reason of the lapse of time it is necessary that any further work should be done in order to put that portion of the drainage scheme into a proper state of repair, the plaintiff should be entitled, and on the understanding to-day will be entitled to be remunerated for that work.

Another question has arisen between the parties, and while it cannot very well be put in the form of a legal contract, it is the understanding of the parties to-day that the plaintiff is not to be held strictly bound by Mr. Moore's adjudication upon the question of what is or is not hard pan in working out the balance of his contract.

I feel satisfied that in view of the discussion that has taken place to-day Mr. Moore and the plaintiff will be able to agree on the question of hard pan.

If they fail to agree, the understanding is that their difference will be reported to me, and that in the hope of avoiding any further litigation I will either personally act as arbitrator between them, or I will select somebody whom I consider qualified to decide their difference, and settlement will be made between them accordingly.

The plaintiff will then be entitled to judgment against the defendant municipality for the sum of $246.88, together with costs which shall be taxed on the High Court scale as between party and party, and these costs, together with the defendants' costs, taxed if desired as between solicitor and client, will be chargeable against the drainage scheme in question.

The plaintiff will pay the clerk the sum of four dollars as his fee for this day's attendance at court, and will be permitted to tax that amount as a portion of his costs.

The plaintiff will also affix a sum of four dollars in stamps to this my Report, and this also will be taxable as part of his costs.

(IN THE HIGH COURT OF JUSTICE.)

In the Matter of the Municipal Drainage Act.

CRAWFORD *v.* OSGOODE.

Ottawa, Ont., 22nd Nov., 1912.

G. F. Henderson, K.C., Drainage Referee.
T. K. Allan, for plaintiff.
Geo. McLaurin, for defendant.

An equitable assignment by an original contractor for a drainage work to a sub-contractor, of moneys due or becoming due to the original contractor, not accepted in writing by the municipality, is not sufficient to establish a contractual relationship between the municipality and the sub-contractor, unless and until moneys become actually due and owing to the original contractor to which the assignment can attach.

THE REFEREE: I can find no contractual or other relationship between the parties to this action, other than the relationship arising out of the receipt by the municipality of the order dated August 10th, 1906, addressed to the Commissioners of the Saunders Drainage Scheme, and signed by D. B. Lewis, the contractor.

In my opinion that is an equitable assignment of moneys due or to become due to Lewis under his contract with the township for the purpose of the Saunders drainage work to the extent mentioned, but nothing further.

It must be borne in mind that on the same date the plaintiffs and Lewis entered into an agreement in writing whereby the plaintiffs undertook to become sub-contractors under Lewis for a portion of the whole work which Lewis had undertaken to do for the township, and having that agreement before me I have the less difficulty in coming to the conclusion that there was no intention on the part of any one that the plaintiffs should be anything other than sub-contractors.

Knowing, however, that there was doubt as to Lewis' financial position the plaintiffs very properly took the precaution of obtaining the order to which I have referred, and in notifying the township authorities of that order.

It might have been wise if the plaintiffs had sought to take over from Lewis that portion of his work, and to have entered into a new contract with the township for the purpose of that section of the work.

This the plaintiffs did not do, and we are left in ignorance as to what the attitude of the township would have been if they had sought to have done so.

The certificate given by the engineer-in-charge, dated the 5th of October, adds nothing to the story from which we have to gather the legal situation of the parties.

It is true that he speaks of an assignment by the contractor of that portion of the Lewis contract, but inasmuch as it is an estimate and order for payment of money, it may be well understood as referring to the assignment of moneys payable to Lewis in respect of the portion of the contract mentioned.

As a matter of fact there was no assignment by the contractor Lewis of that or any other portion of his contract. Mr. Moore says in the box that he had a somewhat indefinite idea of the exact relationship between the parties, and that his object in mentioning the contractual relationship between Crawford and Lewis was to

call the attention of the township authorities to the fact that he only intended Crawford to be paid to the extent that there were moneys payable to Lewis.

In the final result Lewis did not complete his work. I need not detail the long story of the ups and downs of the work, but might mention one fact stated by Mr. Moore which practically summarizes the whole situation, and that is the fact that the amount of work done by Mr. Lewis and Mr. Crawford jointly was barely sufficient to pay the wages, without leaving any profit for the contractor.

That being Mr. Moore's understanding of the situation it is not surprising that when both Lewis and Crawford left the work, he assumed they had done so because of the fact that there was no money in the work for them.

Subsequent efforts to have the work completed by sureties named in the Lewis contract, proved abortive, and it became necessary for the township to re-let the balance of the work to another contractor, Mr. Latimer, at a price higher than that provided for by the Lewis contract.

When Mr. Moore gave the estimates on which payments were made to Crawford he estimated the cost of the performance of the balance of the Lewis contract. That contract has not yet been completely performed either by Lewis or anyone else; the work covered by the Lewis contract is as yet only about half done, but in so far as the estimate then made by Mr. Moore has been turned into actuality, it has proved to be very accurate, there being a difference of some few dollars only between the estimate and the actual result.

It is true that Mr. Crawford has done more work than he has been paid for, and in case I may be wrong in view of the law, it is well that I should state the actual result.

I find in the evidence that he did 3,582 yards of earth excavation, which at eighteen cents a yard would amount to $644.76. From this amount the engineer deducted the twenty per cent. draw back, $143.28, and also deducted an estimate of the cost of completion of that particular section of the work, which was afterwards completed by Mr. Latimer, and arrived at an amount of $385.28, for which he gave a certificate.

Subsequently, on a more accurate checking of the work, he gave a further certificate, again estimating the amount of the work to be done at the amount of $60.62.

If Mr. Crawford is entitled to be paid the whole amount for the work done by him at eighteen cents per yard, there is still coming to him the difference between $644.76, and the amount of $337.98 which he received, but as I understand the legal effect of the evidence he is not entitled to recover that amount because of the fact that his employer Mr. Lewis has never succeeded in earning that money.

I am not overlooking the fact that one of the plaintiffs in this action, the father Thomas Crawford, has died since the action was commenced and that no proceedings were begun to revive the action; that is not urged by the township, and I merely mention it in order that I may not be taken as having entirely overlooked it.

The township council does not press for costs, and I think, under the circumstances, while I very much dislike compromises on a question of costs, it is proper that the order should be without costs.

There will be judgment for the defendant dismissing the action without costs, the defendants to be at liberty to charge their own costs, as between solicitor and client, to the Saunders drainage scheme.

The defendants will pay the Clerk the sum of four dollars for one day's attendance, and will affix the sum of four dollars in stamps to the judgment.

(SUPREME COURT OF ONTARIO.)

First Appellate Division.

June 26th, 1913.

Re BRIGHT AND TOWNSHIP OF SARNIA.

Re WILSON AND TOWNSHIP OF SARNIA.

(Reported 24 O.W.R. 817.)

The fact that an engineer entrusted with the work of preparation of a drainage scheme hears and considers objections of another engineer employed by another interested township and modifies his original scheme after consideraton of these objections, is of no consequence, if the fact is that the ultimate result was the personal judgment of the engineer-in-charge.

Sup. Ct. Ont. (1st App. Div.) dismissed appeal by plaintiffs from an order of the drainage referee dismissing the plaintiffs' application to set aside a report of an engineer upon a drainage scheme for Cow creek drain, in the respondent township.

Consolidated appeals by Robert Bright, James Bright, Thomas Wilson and Fred Wilson, from an order of the drainage referee, dated 3rd March, 1913, dismissing application by the appellants to set aside the report, plans and specifications of A.S. Code, O.L.S., and C.E., and provisional by-law No. 10 D, of the corporation of the township of Sarnia, intituled "A by-law to provide for the improvement of Cow creek drain in the township of Sarnia."

The appeal to the Supreme Court of Ontario (First Appellate Division) was heard by Hon. Sir William Meredith, C.J.C., Hon. Mr. Justice McLaren, Hon. Mr. Justice Magee and Hon. Mr. Justice Hodgins.

R. I. Towers, for appellant.

T. G. Meredith, K.C., and A. I. McKinley for respondent.

HON. SIR WILLIAM MEREDITH, C.J.O.: All of the objections raised by the appellants were dealt with upon the argument except two, viz., (1) that the report, plans and specifications, and the assessment made by the engineer, were not the result of his independent judgment, and (2) that the engineer included as part of the cost of the work upwards of $1,000.00 for fees and expenses of solicitors and engineers, and that there was no authority under the Drainage Act to assess them against the drainage area.

There is nothing to warrant the conclusion that the report, plans and specifications and assessments were not the result of the independent judgment of Mr. Code, the engineer. He testifies that they were. The fact that he heard and considered the objections of the engineer employed by the corporation of the township of Plympton to the scheme which he had originally recommended, but which was referred back to him by the council of the township of Sarnia, and that he modified the scheme after consideration of these objections, is of no consequence if, as he testified, and there is no reason to doubt his judgment, he was convinced that they were right to the extent to which he yielded to their objections. It is not necessary to say more on this branch of the case than that I entirely agree with the reasoning

upon which the learned referee proceeded in refusing to give effect to the contention of the appellants.

The other question was also fully dealt with by the referee, and I agree with his conclusion as to it, and the reasoning on which it is based.

I would dismiss the appeal with costs.

Hon. Mr. Justice McLaren, Hon. Mr. Justice Magee, and Hon. Mr. Justice Hodgins agreed.

(ONTARIO DRAINAGE COURT.)

G. F. Henderson, K.C., Referee.

September 20th, 1913.

Cullerton *v.* Township of Logan.

(Reported in 25 O.W.R. 254.)

Henderson, K.C., Drainage Referee, *held* that a municipality is not liable for damages caused by the non-repair of drainage works unless and until a notice specifying the non-repair is served upon it.

That an action can be brought upon a continuing damage, even though two years have elapsed from the inception thereof.

Wigle *v.* Gosfield, 7 O.L.R., 32, followed.

Thackery *v.* Raleigh, 25 A.R. 226, distinguished.

Action for damages caused the plaintiff's lands by reason of the alleged improper construction of a drain by the defendants and their neglect to keep it in repair.

J. C. Makins, K.C., for the plaintiff.

F. H. Thompson, K.C., for the defendant.

Henderson, K.C., Referee: Prior to the passing of the by-law 448 by the township of Logan, which was provisionally adopted on the 14th May, 1906, the waters from that portion of the drainage area in question in this action, lying to the northweest of the property of the plaintiff, were collected into a drain on what is known as Logan road, at a point lying on that portion of the road which divides the Cullerton 15 from the Cullerton lot 16. I do not say "the plaintiff's property" because there is some question as to the exact ownership of the three lots 15, 16 and 17, or parts of these lots. The road drain to which I have referred then was supposed to take these waters down the Logan road in a southerly direction and to an eventual outlet in the Thames river. By reason of the continued construction of lateral drains that road drain became insufficient for the purpose. Individual efforts were made by individual owners to protect themselves, with apparently varying results, but on the whole there was considerable damage done by the overflow of water, not only to the private owner but to the road, which was under the jurisdiction of the township council. By means of the provisions of by-law 448 the council sought to do away with that condition of things, the engineer in charge of the work provided by the by-law, Mr. Rogers, hoping to be able to successfully take water up at the point on the Logan road, to which I have referred, opposite the Cullerton property, to carry it a short distance westerly across the Cullerton lot 16, thence southerly across

the concession road between lots 10 and 11, through the Gloor property, and then in a southerly direction to the same outlet which the road drain had had. Except as regards the improved condition of the upper drains which naturally takes place from year to year in the ordinary course of the improvements of the farms, the waters brought down or sought to be brought in the new scheme are the same as the waters which previously had been sought to be brought down the Logan road drain. The outstanding difference is that the township, which itself had assumed the burden of carrying these waters along its road, chose deliberately to take these waters up and carry them through private property. In doing so the township assumed the responsibility of taking these waters through that private property in such a way as to do no damage to it. Always when I refer to the "township" in this action, I mean the township as representing the body of ratepayers who are interested in this particular drainage scheme. The evidence is altogether unanimous (I was going to say practically unanimous, but I fail to recollect a single witness who has substantially differed from those who were definite on the point) that the drain has from the very commencement overflowed at the bend on the Cullerton lot 16, in other words the drain has never at any time succeeded in carrying the waters (and I mean the waters at the time of flood or in heavy rains when drains are needed) from the Cullerton land. Witnesses differ somewhat as to the cause of this. One particularly intelligent witness thought a mistake had been made in not carrying the water down a natural water course which exists to the west of the present course. Several others thought that the difficulty was occasioned by the bend on the Cullerton lot 16. My understanding of the evidence of Mr. Rogers, the engineer-in-charge, was that the difficulty was caused by an obstruction in the drain on the Gloor lot, a short distance below the Cullerton property. On the whole, if I were forced to accept one version in preference to the others I would naturally accept that of Mr. Rogers. In any event his theory in that regard is of the utmost importance to the parties in this case. I find that he made proper calculations and provided a drain of proper capacity, assuming that the soil conditions were what I might call normal.

If it had not been for the fact, as afterwards discovered, that there was a bed of quicksand on the Gloor property and that the course of the drain happened to run through that bed of quicksand, the dimensions of the drain, the capacity of the drain would have been sufficient. Mr. Rogers frankly concedes the existence of that bed of quicksand and the drain running through it, and that the capacity of the drain was not sufficient; although in this connection we must understand that the capacity, or lack of capacity, was not so much a question of cubic contents as a question of gradient. The best evidence of Mr. Roger's opinion is the fact that quite recently he has brought in another report to the council which is before me now and in which he says that owing to the long stretch of flat lands from stake 90 to stake 137, which caused the current in that portion to become sluggish, it is obvious that the deposit of sediment in said portion would be great. He then points out how he proposes to widen the drain from stake 50 to the outlet, covering the plaintiff's property in that section, and to increase the gradient very materially. He does not specifically mention quicksand, but he tells us in the box that that was a very serious element in the matter, that he knew of its existence before he took over the work from the contractor, but that he did not think it proper to make any change in his plans, notwithstanding the fact that he then knew that in the ordinary course of affairs there would be an accumulation of that material in the bottom of the ditch sufficient to cause an overflow. As a matter of fact there was an overflow

there as soon as the water came down the drain, and I agree with Mr. Rogers that the cause of that overflow was the accumulation of this sand which had already occurred, following previous accumulations which had occurred while the contractor was doing his work and which had been removed by the contractor.

The specifications under which the work was being done gave the engineer power to change minor details in the work as it progressed. The contractor says that he and Mr. Rogers spoke of this material, that he was doing the work by the cubic yard, and that he had his scrapers and other plant there, and that he would have been very pleased indeed to have lowered the grade of the ditch if the engineer had so instructed him. It was a matter for the engineer whether or not to give any such instructions before he consulted the council and obtained further authority from them. I would not have thought it necessary to do so in this case, where the cost would have been comparatively trifling.

I am satisfied upon the evidence that had the engineer then lowered the grade of the ditch as he proposes to lower it now the parties would not be in litigation, that by the expenditure of a comparatively trifling amount all this trouble would have been obviated.

The engineer knew that the drain was not going to work. As a matter of fact the drain was not of sufficient capacity, having regard to the soil at that particular point, and the extent of that particular class of soil there. These being the facts, I find that there was that kind of negligence on the part of the township in the original construction of the drain which is referred to in the several cases collected by Mr. Proctor in his book at pp. 170 and 171, and that the township is responsible for damages occasioned to the plaintiff by reason of such negligence in the original construction of the work.

Mr. Thompson argues that the plaintiff cannot recover for damages for original construction because of the fact that the work was completed more than two years before the commencement of the action, and he refers to Thackery *v.* Raleigh, 25 A.R. 226. The distinction between that case and this is, that the Thackery case was one for damages for the taking of land and its injury and severance by the construction of the drain itself. That is not this case. This case is for my present purposes identical with Wigle *v.* Gosfield, 7 O.L.R. 32. There it was held that the damages in a case such as this are re-current and not only may but must be paid for as sustained from time to time, each claim for damages within a period of two years before action brought. Therefore I am satisfied that the plaintiff is entitled to claim for such damage as he has sustained by reason of the defect in the original construction of the drain within two years of the time of the bringing of the action, and his claim being confined to the year 1912, is in time.

The difficulty in my mind is that there seems no doubt whatever but that the damage caused to the plaintiff was in part the result of this original defect in construction and in part the result of the non-repair of the drain, which has avowedly become defective and out of repair since the time of its completion.

In the year 1907 and again in the month of February, 1908, the plaintiff caused notice to be served upon the township council, but in each of these notices his complaint was as to the method of construction, he being always satisfied that the drain was not of sufficient capacity to carry the water past his lands. He did not at any time notify the township of any lack of repair, and there is no evidence that anyone else notified the township of any lack of repair.

My understanding of the present section 80a, of the Municipal Drainage Act, is that it is the duty of the land owners along the course of the drain to keep track

of its state of repair, and that when anyone finds that the drain is becoming out of repair to such an extent that he, as an owner, may reasonably anticipate damage to be caused to him, it is his duty then to notify the council of the lack of repair and of the probability of damage.

The council is not obliged in this respect to watch a drain from month to month, and the council does not become liable in pecuniary damage to any owner of land whose property is subsequently injuriously affected by reason of non-repair unless and until after service by or on behalf of such owner of a notice in writing describing with reasonable certainty the lack of repair which it is anticipated may subsequently cause damage to the owner. It seems to me that the intention of the Legislature is clearly expressed. The new section of the Act may work a hardship in an occasional case such as referred to by Mr. Makins, but my experience throughout the Province would lead me to believe that on the whole it is in the interest of the drainage of the Province that that interpretation, which I am satisfied the Legislature intended, should be given to this section of the Act.

There was no notice of non-repair given to this township by the plaintiff or by anyone else prior to 1912, and therefore in so far as the plaintiff's damages for 1912 were due to non-repair, as distinguished from a defect in original construction, the plaintiff cannot succeed. Then arises the difficulty of severing the damages. Some of the witnesses have stated, what is obvious, that it is impossible to accurately sever the amount.

The plaintiff puts his total damages for the year 1912 at $540. He was not able to give specific details as to how he arrived at that amount. I am inclined to think that it was to his credit that he was not able to do so in the circumstances in this case. The action was not brought until the following season, and he does not appear to have contemplated the bringing of the action until the time when it was brought or about the time when his notice of a few weeks previously was served upon the council. He impressed me as giving his evidence fairly and honestly, but my difficulty is that it was altogether opinion evidence on his part; not guesswork, but a matter of recollection and opinion.

I must treat the matter just as a jury would do. The farmers on a jury would be pretty well able to form a reasonable estimate of what damage the plaintiff would suffer under similar circumstances. I have had a great many of these cases and in many of them have had questions of damage gone into very specifically, and I can fairly consider myself in the position of a farmer in the jury box.

While I am satisfied with the plaintiff's honesty I cannot overlook his position of claimant. There is in almost all of these cases an exaggeration, although usually unintentional, and on the whole I am satisfied that as a matter of common sense $450 is probably much nearer to the actual total of the plaintiff's damage for the season of 1912 than the amount which he claims in his pleadings. Then I must separate that amount between the deficit in original construction and the non-repair. In doing so, I remember the evidence of the plaintiff and of several others, that he was flooded in the very first year, when there was not a question of non-repair, because I still insist, whether rightly or wrongly, in treating the accumulation of quicksand which may have been there in the first spring as due to defective construction and not non-repair, in the ordinary sense of the term. If he suffered damage not only in the spring and fall but at different times throughout the summer of 1909, and he did, it was by reason of defective construction, and he would have suffered probably more damage from the same cause in the year 1912 than in the year 1909, because the year 1912 was a wet year. I know there was a deal of evidence

about the unusual conditions of 1912, but there was no evidence that the conditions were so extraordinary as to make that year other than a very wet season, just the kind of season that brings about the construction of many of the drains of the Province.

Even as I speak now I am under difficulty as to just how much of the total $150 to apply to each cause, but I am satisfied that the bulk of the trouble was caused by the original construction. Looking at the plaintiff's particulars, I find that there is serious damage, for instance, to lot 17 in the 11th concession, a lot which is altogether outside the drainage area and as to which the township, by means of this drain, had no business to bring down one drop of water, if the matter is forced to a logical conclusion. Part also of lot 16, one would say pretty nearly one half of it, is outside the drainage area, and there again very substantial damage was caused according to the plaintiff's story.

On the whole I do not think I am going very far wrong if, of the $450, which my mind has reached, I fix $350 as due to defect in original construction. In doing so I realize much difficulty, but I am thoroughly satisfied on the evidence that this man has suffered substantial damage because of the defect in the original construction of the drain. In the result, he is entitled to judgment for the sum of $450 and to his costs of the action.

Costs on the scale of the County Court; no set off.

The township costs as between solicitor and client, together with the damages and costs payable to the plaintiff, may be chargeable to the new drainage work which is now being launched.

The plaintiff will pay to the clerk $8 as for his two days' attendance and will affix the sum at $8 in stamps to these reasons, and charge these amounts as portions of his disbursements. A thirty days' stay will be granted.

(IN THE ONTARIO DRAINAGE COURT.)

JOLICOUR *v.* CORPORATION OF TOWN OF CORNWALL.

Cornwall, 9th and 10th Oct., 1913.

G. F. Henderson, K.C., Drainage Referee.
D. B. McLennan, K.C., for plaintiff.
G. A. Stiles, for defendant.

Plaintiff owned properties on the north side of Sixth street, town of Cornwall. The town corporation constructed a granolithic walk in the fall of 1909 on petition under the local improvement clauses of the Municipal Act, the plaintiff being an active mover in support of the petition. In 1897 a drain was constructed along the east side of the property then owned by the plaintiff and extending northward across property which he has since acquired, the outlet for this drain being a road ditch in front of the plaintiff's property. This drain was constructed ostensibly under the provisions of the Ditches and Water Courses Act, but the town corporation was no party to the proceedings. When the drain was constructed the sidewalk in front of the plaintiff's property was of plank, and where the drain passed underneath it two short planks were placed which could be lifted up to enable the plaintiff to clear out the drain. When the granolithic walk was built this contrivance was replaced by a 9-inch tile pipe.

Held, on the evidence that it was the intention of the town council that the road drain on Sixth street should be utilized not only for the purpose of the upkeep of that street, but for the surface drainage of the abutting owners; and,

Held further, that the tile pipe was not as good an outlet for the water carried in the drain as the old outlet, and that as a matter of law the plaintiff was entitled to as good an outlet through the cement walk as he had had previously; and held also that the owner could recover no damages for injury resulting from the construction of the cement walk other than by arbitration under the provisions of the Municipal Act, and held also on unsatisfactory evidence that the plaintiff was entitled to $200.00 damages generally, and a mandamus compelling the town corporation to furnish as good an outlet for the drain through the cement walk as the one through the plank walk, and costs of the action.

REFEREE: This is an action that was commenced in the High Court Division of the Supreme Court of Ontario, and which has been referred to me for trial by the Honourable Mr. Justice Latchford.

The plaintiff claims as the owner of certain properties on the north side of Sixth street in the town of Cornwall, between Cumberland Street and Bedford Street, and his complaint is with respect to the effect of surface water which is held back on his property by a granolithic sidewalk constructed by the defendant corporation in front of his property in the fall of the year 1909, or during the following winter.

The walk was constructed under the provisions of the Local Improvement clauses of the Municipal Act, the plaintiff himself being the active mover in procuring the signing of the petition rendered necessary by the provisions of these clauses.

In the year 1897, when the plaintiff held the front portion of the property which he now owns under agreement of purchase, and many years before he became the owner of the rear portion of his property, a drain was constructed along the east line of the property which the plaintiff then owned extending northward across the property which he has since acquired, and which was then the property of Ewen McLennan.

There is no doubt whatever but that the sole object of the proceeding which resulted in the construction of that drain was to enable Mr. McLennan to get the water on his property across the property in front of it to Sixth Street, it no doubt being the opinion of all concerned that when the water reached Sixth Street it could be carried into the road drain then in existence there and carried easterly along that street and down Bedford Street in a southerly direction to Fly creek, which is a short distance below the junction of Bedford and Fifth Streets, the next street lying parallel to Sixth Street to the south.

Application was made to the then township engineer under the provisions of the Ditches and Water Courses Act, and he made what purported to be an award under that Act, providing for the construction of this drain with its outlet in the road drain on the north side of Sixth street, just in front, or practically in front of the south-east corner of the plaintiff's property, which he then held under agreement of sale.

I find on the evidence, without the slightest hesitation, that the road drain referred to never was a sufficient outlet for the so-called award drain, and that the drain never had any legal existence as an award drain. Since it was constructed, however, the plaintiff has become the owner of the Ewen McLennan property, and in

the exercise of his own discretion he has seen fit to so cultivate that property as to cut off any flow of water from the north on to it, and to close up the upper portion of what I still call the award drain on the McLennan property. The result is that the drain is now to all intents and purposes a private drain running along the easterly line of the plaintiff's property and having its outlet in the road drain on Sixth Street.

If I am right in my opinion as to the result of the evidence here, it makes no difference, however, whether the drain is to be treated as an award drain under the "Ditches and Water Courses Act" or as a private drain.

It is a very small drain, not greater in size than the ordinary plough furrow, and judging from what I saw of it on an inspection which was held yesterday with the consent of all parties and in presence of counsel and engineers, it has not been treated as a very serious matter, not having any particular contour and not being in a very good state of repair.

However this may be, it has collected water on plaintiff's land and carried it down to Sixth Street, and it is clear on the evidence, to my mind, that the intention of the town council has always been that the drain on Sixth street should be utilized, not only for the purpose of the up-keep of that street as a street, but for the surface drainage of the abutting owners.

That fact is made more plain by the evidence given on behalf of the defendant that on many occasions this plaintiff and other persons resident have made complaints about the condition of the drain, and that efforts have been made to meet their objections as they were made.

Dealing for a moment with this feature of the case, I take it to be a well-established principle of law that while a municipal council is under no obligation to furnish abutting proprietors with either sewers or road drains, when it does so furnish any such facility, it is bound in the future to maintain such facilities so as to be reasonably operative from time to time.

I am satisfied on the facts and on the law in this case, that when the work of the construction of the granolithic sidewalk was undertaken there was an obligation resting upon the defendant municipality to provide the plaintiff with such an outlet for his water brought down by the drain in question as then existed and as had been furnished to him by means of the road drain on Sixth street and the other streets on towards Fly creek for some little time previously.

Mr. Magwood was the engineer, and the council entrusted him, not with the work of the construction of the sidewalk, but with the work of preparing a report preliminary to the construction of the sidewalk, the *modus operandi* of the council being that the actual work of construction should be done under the superintendence of the town foreman, the foreman at that time happening to be one Donald McCormick, who has, unfortunately, since died.

When making his examination and report Mr. Magwood was informed that the drain in question was an award drain, and for that reason he appears to have appreciated the desirability of providing a proper outlet for it. His report does not specifically deal with such an outlet, but he tells us in his evidence, and I accept his statement without the slightest hesitation, that he first enquired from the Town Clerk as to the existence of such an award, and being unable to find it he warned both the Town Clerk and the Superintendent of the desirability of making further enquiries, and of providing such an outlet opposite the plaintiff's drain as the result of the enquiries made showed to be necessary. The evidence is silent as

to what information was obtained, but what was done was to place a 9-inch tile pipe under the concrete sidewalk in the bed of the continuation of the award drain.

I should have already stated that previously the sidewalk along that street had been a two-plank walk laid on sleepers embedded in the earth, the sidewalk being practically the thickness of the plank above ordinary surface level, whereas the granolithic sidewalk since constructed is approximately six inches higher than the ground level, there being of course variations depending on the undulations of the ground. The old plank sidewalk had at the outlet of the drain a contrivance consisting of two short planks which could be lifted up, so as to enable the plaintiff, or any other person concerned, to clear out the drain underneath the sidewalk of any obstruction, and particularly of ice which would accumulate there during the winter season. This was a simple and useful contrivance, but the desirability of perpetuating something of the same nature either did not occur to the road superintendent who had charge of the work of construction of the granolithic walk, or if it did occur to him, he appears to have preferred the pipe, to which I have already referred.

I find as a fact, again without the slightest hesitation, that whatever may be the theoretical capacity of the pipe to which I have referred, it was not, practically speaking, as good an outlet for the water as the old outlet through and under the plank sidewalk.

I am of the opinion as a matter of law, that under the circumstances given in evidence, the plaintiff was entitled to have just as good an outlet through the cement walk, as he had had previously.

These being the more important facts up to the present, I apply the law laid down in a very long line of cases, one of the most instructive of which counsel for both sides have agreed upon, to be the case of Derinzy *v.* Ottawa, 15 Appeal Reports, 712. It is laid down there by the Court of Appeal, as I understand it, that if the inevitable result of a work constructed under statutory authority such as that under which this work was constructed is to occasion injury to an abutting land owner, he cannot recover compensation for such injury other than by arbitration under the provisions of the Municipal Act, unless it appears that there was negligence in the execution of the work, but that if on the other hand the work might reasonably have been so constructed as not to occasion damage to the abutting land owner he could by a converse proposition recover damage occasioned by the failure to take such reasonable precaution as might have been taken.

In this case I am satisfied that if Mr. Magwood has been personally in charge of the work it would have occurred to him to provide just the same kind of simple contrivance as had been in the old plank walk; it is nothing new, one sees it in almost any town, at all events occasionally where granolithic sidewalks are in use, a simple opening left in the sidewalk covered with a plank, or more usually with a cast iron cover which could be readily lifted up when it is desired to clear out the channel for any reason. That seems to me to have been such an obvious thing, that I would find it exceedingly difficult not to hold that the failure to provide it was negligence on the part of the corporation for which they are liable in damages to the plaintiff if any damages resulted from it.

My difficulty, however, is as to the question of damages, and here I must say that I have had great difficulty in placing reasonable reliance upon the evidence of the plaintiff and the majority of his witnesses.

I do not attribute intentional mis-statement of fact to either the plaintiff or any of his witnesses, but speaking of himself and his wife particularly, their whole demeanour in the box and in the court room have forced me to the conclusion that

they have gradually acquired an exaggerated idea of the importance of their position. That is borne out by the fact that the letters on file show that originally they had not such an exaggerated idea of the damage they were suffering, but that his damages were for practically a trifling amount.

Then there is, I regret to say, a very clear cut difference in the evidence as to facts between the plaintiff on the one hand and several of the witnesses called by the town, some of whom at least I know personally to be men whose character is beyond the slightest reproach, and whose evidence I could not reject, even if the weight of evidence were more close than it is, men like the Mayor, Dr. Cavanagh, Mr. Lount, and others who have no particular interest in this matter.

It is true they are or have been members of the council or officers of the corporation, but it is difficult to imagine any possible reason why they should mis-state facts, whereas in the case of the plaintiff and his wife we have the very well-known fact that people who suffer damage, as I think they have been suffering, at least inconvenience, are very apt to magnify their injury. Then, again, I saw the property, and any reasonable person seeing it must see at once that the plaintiff has very grossly exaggerated his evidence.

Several of the plaintiff's witnesses gave their evidence in such a loose, vague way, with so many inconsistencies and contradictions, and by their demeanour in the box would make it impossible to attach much weight to their evidence. I have never had a case where the demeanour of the witnesses in the box has been more important than in this. I may say that this does not apply to Mr. Freeman or Mr. Eastman, whose evidence was not of any importance, and I must say that Mr. Freeman, Mr. Conliff and Mr. Ewen McLennan impressed me just as favourably as the other witnesses impressed me unfavourably, and taking their evidence and applying it to my own common sense, and what I saw on the ground, I must come to the conclusion that the plaintiff has suffered some damage at all events, by reason of the inadequacy of the present outlet as compared with the former outlet for his drain.

My difficulty is how to get at the amount of that damage. There is no direct evidence, in fact no attempt has been made to separate the damage by water as a whole from the damage attributable to the one cause to which I have referred.

The evidence is that in previous years, and I accept in its entirety the evidence of the defendant's witnesses, that from time to time the plaintiff has been suffering from water every year he has lived on the property.

The evidence is that the water coming down as it did with a general trend southerly, and a general trend towards the plaintiff's property as probably the lowest in the district, would escape all over the plank sidewalk, not only from the plaintiff's property but from the property of his neighbours.

The granolithic sidewalk now acts as a dam for that water, not only for the water from his own land but for that from his neighbours, and he is then placed in a very unenviable position, but as regards the damage which may have occurred from the difference in the height of the sidewalk, it is a necessary or unavoidable result of the construction of the sidewalk, and something of which he cannot complain.

I am aided in disposing of the question of damages by the very exaggeration which I previously referred to, and proceeding by a process of elimination, I now refer to the large item which he claims for damages, the sum of six hundred dollars, being a hundred dollars per month for six months loss of time due to ill-health and a subsequent operation which his own doctor, subsequently called by himself, tells us had nothing to do with any of the matters in question in this case.

Dr. Nichol says he did have an attack of bronchitis and he was laid up for nearly three months, but Dr. Nichol will not even undertake to go so far as to give an opinion that this attack of bronchitis was due to the condition of excess of water around the house. The doctor does say that the dampness of what is called the cellar created an unsanitary condition, and it may be convenient for me to deal with that branch of the case now.

The plaintiff himself says that his building at the ground surface is water tight, and that no water gets into what he calls his cellar except by backing up through a drain connection which he has between the cellar and the road drain or road ditch, the outlet of which is some half a dozen feet west of the outlet of the award drain.

Mr. Magwood tells us, and his evidence is uncontradicted, that the outlet of that cellar drain is at the bottom of the road ditch, and that the cellar drain is practically on a dead level, the necessary result being that so soon as there is any water in the road ditch there must be a backing up of the water into the plaintiff's cellar, unless there is sufficient current to create a draught to carry the water along past the cellar drain, a condition which would very rarely exist.

The plaintiff himself built the cellar drain, and in-so-far therefore as there is any dampness in the cellar, he is the author of his own injury, and cannot complain of it in this or any other action against the town. That eliminates the question of damage for loss of health on the part of either the plaintiff or any members of his family.

Then there is quite a lot about apple trees. We saw the few remaining apple trees on the ground and plaintiff there stated that the condition we then saw was attributable to the water, but that statement anybody knowing anything about such matters would not be likely to agree with. The position as to the apple trees, however, is simplified by the statement of the plaintiff, that these apple trees in respect to the loss of which he claims damage, died in the early part of the year 1910, when the cement walk had been there for one winter only. He puts it as a case of sudden death due to one season's overflow of water, or possibly ice.

I have had a great many damage cases in which apple trees have frequently figured, but I do not think that anyone ever heard of a contention such as that made by the plaintiff in this case. I would not be prepared to accept his evidence unsupported in that regard, and I was relieved when I heard the evidence of his next door neighbour, whom he himself called as a witness, and who stated as the plaintiff stated, that he cut down the trees when he did, but he added to what plaintiff had said, that they died during the year before the cement sidewalk was constructed. I think that is probably the fact, at all events I accept it as the fact, and thus eliminate the question of apple trees.

Then there is the question of damage to the cows and the hens. Plaintiff has a structure which he calls a cow stable and hen house in the rear of the dwelling house. The floor of this structure, for I do not care to dignify it by calling it a building, is several inches lower than the ground level.

On the evidence there has always been excess of water on the plaintiff's property during the period of spring freshets. He complains now in respect of spring freshets, in so far as the cows and hens are concerned. Altogether apart from the change in the drain, the spring freshet would necessarily mean a flow of water over the floor of the stable and the hen house, and as there is no way to let it out again there would naturally be some detriment to the cow, but the evidence in this regard is so greatly exaggerated that I cannot accept it as in any way measuring the damage, nor can I find there is any damage to either the cows or hens because of the difference in the outlet to which I have referred, and I eliminate that feature.

Another question is the loss of provisions kept in the cellar. That depends entirely on the facts connected with the drainage of the cellar in regard to which I have held there was no damage, and I eliminate that.

There is nothing then left except the question of the crop. Plaintiff utilized his property for ordinary vegetable garden purposes; he had different kinds of vegetables. The evidence of several witnesses is that the plaintiff had a very excellent garden, and I believe the plaintiff's garden was just as good as I take his intelligence to be, and that is of a very high order.

His wife impressed me as being a woman of extreme industry and intelligence, and a woman who has something over a hundred hens and four cows under her charge deserves a great deal of credit. They are people who count the cents, and make the most of almost everything they have, and I am satisfied he had a good garden, and I do not think an estimate of from sixty-five to seventy-five dollars a year as the net worth of his garden would be excessive, but I do not think it was damaged to the extent he thinks it was.

This year, for instance, he says he could not put in a garden crop. His next door neighbour is called to the box and tells us that he put in a garden plot on immediately adjacent land, practically situated the same as plaintiff's, but he says he did not get a very good crop. I think he said that it was only half a crop, but we saw it ourselves yesterday, and it looked pretty good, and I think that plaintiff has exaggerated, unintentionally again probably, when he says he could not put in a garden crop this year.

The evidence is not satisfactory, and in the result I am driven back to put some kind of estimate on the deterioration of the plaintiff's garden, including the hay crop and general inconvenience, which it is intended to cover.

Fortunately what the plaintiff really wants is relief for the future. He claims a mandamus requiring the council to remove the obstruction in the road ditch and give him the outlet that he should have, and to which I think he is entitled, and I trust I am right in thinking that the quantum of damages is not important from his view point.

I should say frankly that I am almost guessing at it, but doing the best I can, I have made up my mind that the sum of two hundred dollars will compensate him in damages up to the present.

I think he should have judgment, and I give him judgment for two hundred dollars damages, and for a mandamus compelling the town to furnish him as good an outlet for his drain into the road ditch as he had before the construction of the granolithic sidewalk.

I do not intend to bind the town as to the particular kind of outlet; the responsibility is on the town to provide a proper outlet, but I suggest to the town that the evidence given in this action be accepted and that an opening be made in the granolithic sidewalk with an iron covering such as that to which I referred.

In view of the fact that a mandamus has been ordered, the plaintiff is entitled to the costs of his action on the High Court scale.

The plaintiff will pay the clerk the sum of eight dollars as for two days attendance, and will affix eight dollars in stamps to this my report, which will be a part of his costs.

TOWNSHIP OF SANDWICH SOUTH *v.* TOWNSHIP OF MAIDSTONE.

June 15th, 1914.

(Reported in 6 O.W.N. 538.)

Appeal by the plaintiffs and cross-appeal by the defendants from a judgment of the Drainage Referee.

The appeal was heard by Mulock, C.J.Ex., Clute, Sutherland, and Leitch, JJ.A.

J. G. Kerr, for the plaintiffs.
J. H. Rodd, for the defendants.

The judgment of the Court was delivered by MULOCK, C.J.Ex.: This is an appeal from the decision of the drainage referee, and we are asked to set aside the report and assessment of James S. Laird, engineer of the township of Maidstone, in respect of a proposed improvement of the west town line and Mooney creek drain.

The townships of Maidstone and Sandwich South adjoin each other, and originally portions thereof, which may be referred to as the drainage area, were a swampy swale. Southerly, easterly, and westerly of this area were higher lands, from which surface water flowed in a northerly direction towards this swampy swale, thereby contributing to its swampy character, the water partly escaping therefrom by certain natural water courses into Big Pike creek. Nevertheless, the drainage area remained in a condition calling for artificial drainage, and work of this character has for many years been carried on under the provisions of the drainage laws.

Amongst such work was the construction of a drain on the town line which runs northerly and southerly between the two townships. The Michigan Central Railway crosses this town line, and it was necessary to have a sufficient passage for water along this drain, including the point where it was crossed by the railway. Accordingly at this point a culvert was put in as forming part of the town line drain construction work. This culvert was not in accordance with the engineer's report and proved insufficient.

Complaints as to the insufficiency continued for some years without bearing fruit. The waters, obstructed by the insufficient culvert . . . . injured the lands of one Deehan, who brought an action under the Drainage Act against the corporation of the township of Maidstone, and recovered a verdict of $200.00 and costs.

In his judgment the Drainage Referee says: "The culvert crossing the Michigan Central Railway is admittedly insufficient for the purpose intended, not being the culvert which was intended by the engineer who made the report under which the town line drain was constructed. As a result of the insufficiency of the culvert, the water brought down by the west town line drain to that point has been in part blocked, and thus, as I find upon the evidence, caused to overflow on to the lands of Graves and from these on to the lands of plaintiff. . . . . In the event of the municipality deeming it necessary, in order to prevent a continuation of damage, to improve, extend, or alter the town line drain work, it may add the damage and costs in this action to the engineer's estimates of the cost of such improvements, extensions, or alterations."

In consequence of this judgment, the corporation of the township of Maidstone, under the Drainage Act, instructed their engineer to report the scheme for remedy-

ing the defective condition of the west town line drain and for assessment of the cost. Thereupon the engineer made his report, whereby he recommended that the town line drain be cleaned out and improved for a distance of 300 rods northerly of the railway, at an estimated cost of $1,467.87, this sum to include the sum of $80, the cost of spreading on the road earth to be taken from the drain, and he also added to the cost of the work the sum of $958.78, being the damages and costs in the Deehan case, making the total cost $2,426.65. This sum he recommended to be assessed as follows: Against Maidstone, because of benefit to roads, $442.80; because of outlet for water from roads, $186.55; lots for improvement, $23.65; lots for benefit from outlet, $1,024.40; making a total assessment against Maidstone and lots in Maidstone of $1,677.40. Against Sandwich South, because of benefit to roads, $358.85; because of outlet for water from roads, $67.50; lots for improvement, $229.65; lots benefited by outlet, $93.25; making the total assessment against Sandwich South and lots in Sandwich South, $749.25.

From this report Sandwich South appealed to the learned Drainage Referee and . . . . he gave judgment refusing to disturb the engineer's recommendations except as to the disposition of the amount of the judgment and costs in the case of Deehan *v.* Township of Maidstone. As to those items, he ordered that the amount awarded for costs should be "chargeable against the lands and roads in the township of Maidstone alone."

From the referee's judgment Sandwich South appeals, on the general ground that the report and assessment are illegal, unjust, and excessive. Maidstone cross-appeals because of the costs in the Deehan case being assessed exclusively against the lands and roads in Maidstone.

As to that part of the plaintiffs' appeal respecting the assessment of the cost of the work, Mr. Kerr very ably argued that in fixing the assessment the engineer should have taken into account the assessment in connection with the Tooney outlet and other assessments for other works in respect of the same drainage area, and contended that the lands in Sandwich South, having already been assessed for cut-off purposes, were no longer assessable in respect of new works of a like nature.

The evidence shows that in about the year 1881 drainage works were begun; the first attack on natural conditions being to improve Tooney creek, which was the natural outlet for the swale district. Then followed the construction on the east side of the town line of a drain which intercepted some water from the higher level on its way down to the swale, thereby furnishing an artificial outlet northerly to Pike creek. This work, so far as it was effective, operated as a cut-off in respect of the lands on the west side of the town line drain, and to that extent relieved the Tooney creek drain. From time to time other drains were constructed whereby surface water was conducted to the town line drain. These various side drains diverted into the town line drain waters from higher levels, which but for the town line drain would have flowed into the swale and upon the lands on the north-westerly side of the town line.

Further, these various side drains accelerated the flow of water into the town line drain; and silt, having there accumulated, it was deemed advisable to clean out and deepen the town line drain; otherwise it might prove insufficient to take care of all the water, in which event there might be an overflow across the town line and upon the lands of lower level.

Accordingly the work in question was undertaken. It consisted of cleaning out the west town line drain for a distance of 300 rods and deepening and otherwise improving it in order to benefit the drainage area in question.

Mr. Kerr strongly contended that the improvement in question took care of the artificial flow only, and not as a cut-off of surface water, within the meaning of subsec. 6 of sec. 3 of the Municipal Drainage Act, R.S.O. 1914, ch. 198. . . . I do not think that surface water has ceased to be "surface water" within the meaning of this section the moment it reaches a drain which is but one part of a system of drains constructed for the purpose of taking care of such surface water within the meaning of the subsection.

That is the position here. The evidence justifies the improvement of the town line drain as a necessary work in order to cut off the surface water, and thereby prevent it overflowing on the lands in Sandwich South.

Therefore, the work, in my opinion, serves as a cut-off of surface water, within the meaning of the subsection, and the cost is properly assessable against the lands thereby protected.

Mr. Kerr attacked the item of $80 for spreading on the town line the earth excavated from the drain in connection with its improvement. For all that appears, the spreading of the earth upon the road is the cheapest way of getting rid of it. Further, its utilization in that manner improved the road by raising the grade upon the water level in the drain, and by widening it, whereby it is less dangerous. Thus it constitutes a necessary and proper part of the cost of the work, and the item is properly included in such cost. The facts respecting the item did not bring it within sec. 11 of the Drainage Act.

I have carefully studied the evidence and the report of the engineer, and am unable to see wherein that officer has disregarded the requirements of the statute in respect of his assessment of the sum of $1,467.87, being the estimated actual cost of the work.

The remaining question is in regard to the costs and damages in the Deehan case.

That action was against Maidstone alone, and in his judgment the learned referee said: "In the event of the municipalty deeming it necessary, in order to prevent a continuance of damage, to improve, extend, or alter the town line drainage work, it may add the damages and costs incurred in this action to the engineer's estimate of the cost of such improvements, extension, or alteration. I assume that any engineer instructed will not overlook the fact that these damages and costs have been occasioned by reason of the insufficiency of the outlet of a drainage work provided for the benefit of lands higher up-stream than those of the plaintiff."

It further appears from that judgment that two conflicting views then existed as to the proper remedy for the condition then complained of, the Municipal Council of Maidstone taking the view that the improvement of the culvert under the railway crossing would meet the requirements of the case, whilst the plaintiffs' engineer and others thought that the improvement of the drain northerly from the railway was necessary. The council was at that time negotiating with the railway company to improve the culvert, and the learned referee approved of their efforts, and for that reason did not see fit to penalize Maidstone with the costs of that action, but disposed of them in the manner set forth in the foregoing extract from his judgment.

The council appears to have reached the conclusion that, in order to prevent a continuance of the damage, it was necessary to adopt the alternative plan of cleaning out and enlarging the town line drain, and in reaching that decision they had before them the judgment of the learned referee that the costs and damages might be added to the cost of the work.

Sandwich South was not a party to that action, and may properly be held not bound by the disposition there proposed to be made of the damages and costs, and the whole matter is now before us and must be dealt with as *res integra.*

Nevertheless I feel that the proper disposition to make of these damages and costs is in accordance with the view expressed by the referee . . . . by permitting Maidstone to have them added to the engineer's estimated cost of the work.

It is obvious that the cleaning and enlargement of the town line drain was necessary in order to bring about a satisfactory solution of the question in issue, and that Maidstone was no more responsible than was Sandwich South for its proving insufficient to take care of all the water.

For these reasons, the appeal should be dismissed with costs, and the cross-appeal allowed with costs.

(IN THE COUNTY COURT FOR THE COUNTY OF HALDIMAND.)

Between:

DAVID W. STEINMAN, Plaintiff,

and

FREDERICK SORGE, Defendant.

Dunnville, Friday, October 23rd, 1914.

Before:

George F. Henderson, Esq., K.C., Drainage Referee.

It is not an essential of a water course that it should be serviceable to the owner through or along whose land it flows. A water course may in some cases be a detriment rather than a service to the owner of the land through which it flows. Beer *v.* Stroud, 19 O.R. 10, followed, with comments upon the judgment of the Court of Appeal in 22 A.R. 89.

THE REFEREE: There is no question of law in this case, both parties very properly accepting the definition of the Chancellor in the case of Beer *v.* Stroud (19 O.R. 10). The important part of the definition is as follows: "It is not essential that the supply of water should be continuous and from a perennial living source. It is enough if the flow arises periodically from natural causes and reaches a plainly defined channel of a permanent character. Thus a recognized "course" is obtained, which is originated and ascertained and perpetuated by the action of the water itself. For all practical definition, if there is a sufficient natural and accustomed flow of water to form and maintain a distinct and defined channel, that constitutes a water course."

Reference has been made to the fact that in his judgment in the Court of Appeal (22 A.R. 89) Mr. Justice MacLennan made use of the expression "serviceable to the persons through or along whose lands it flows." But Mr. Leitch, very properly I think, does not press this as an essential of a water course, even though Mr. Proctor in his very excellent book, at page 24, does indicate it as an essential. Personally, I do not think that Mr. Justice Maclennan intended that it should be regarded as an essential, and the evidence of one of the witnesses in this case suggests by way of a very excellent reason-why it should not be so considered. Take the case of an undoubted water course, in the legal sense, running through a piece of property which is subdivided into building lots, one of which is purchased by a

party who would like to place his residence just where the water course happens to be. Obviously in such a case the water course could only be a detriment and could not be of service to the person through whose land it flowed. I therefore am glad that counsel have agreed that the definition of the Chancellor is the one by which I am to be guided in determining the merits of this action. It is therefore reduced to a simple question of fact.

As is usual in such cases as this, the personality of the witnesses as well as their demeanor has had a great deal to do with the conclusion at which I have somewhat unconsciously arrived during the course of the hearing. There could not be a much better illustration than a comparison between the two witnesses, Nicholas Friesman and John W. Holmes. The one calls himself a laborer, and to this (in cross-examination) he added "hunter and trapper." He is essentially a son of the soil. The other, Mr. Holmes, is the clerk of Dunnville, and a gentleman of obviously the highest integrity and intelligence and essentially "a town's man" as distinguished from a "country man." Without derogating at all from the evidence of any other witness, I may say that Mr. Friesman impressed me as being the kind of a witness who would know what he was talking about in this kind of case, and as a man who would give his evidence intelligently and fairly, with an exceptionally thorough knowledge of the circumstances of the case. He makes it abundantly plain that during the course of his forty years experience—a very intimate experience—with the property in question, there was a natural flow of water coming from what he speaks of as "the railway locality" up in a northerly direction from the plaintiff's lands, down and towards the plaintiff's lands, then across it and across the defendant's land on the road and thence off towards the Grand River, which is but a short distance away. In the earlier days of his experience he says there was there a natural stream which ran continuously. Nobody pretends that it is a large stream, but I do not understand that size is of any consequence in the determining of whether or not there was a water course in the proper and legal sense of the term. No witness who has been called has really contradicted this evidence. The next witness, Mr. Young, corroborates it, and the plaintiff himself, speaking for the last fourteen years only, however, also corroborates it.

The levels taken by the engineers, as to which there is no disagreement, tend to corroborate this evidence, and it appears to be the fact that the street drains to the north, which have been constructed since the early period of which Friesman speaks, as well as the general improvement of the land in the locality, afford a very excellent explanation of why the volume of water has decreased as the years have gone by.

Mr. Ross, whose evidence is entiled to very great respect, said quite positively that speaking from his experience the so-called water course did not look to him like a natural water course. Great credit should be given to Mr. Ross' opinion, but it was only opinion, and it, as I understood it, was based upon an assumption that there had been natural depressions which had been artificially connected. That could only be an assumption in view of the fact that there was no evidence that the natural depressions which unquestionably exist, and have existed, were artificially connected. If artificially connected I would agree that the result could not be called a water course, but on the other hand if connected by the action of water in its natural course the result is a water course.

Other witnesses, such as Mr. McIndoe, were over the land in a more or less casual way and did not see the water course. That is purely negative evidence. It does not follow that there was no water course there because they did not see it.

All agree that there was what they call a swale running along this portion of the property, and these witnesses again (although some of them do not put it quite clearly) evidently have in mind the distinction between a continuously connected water course and a series of depressions. I can find no evidence which satisfactorily meets the evidence of Friesman and Young. Mr. Leitch meets their evidence as to the catching of fish in this stream in the earlier days, by the suggestion that the fish were brought up by flood-water from the river when it is high, and that their presence does not in any way indicate the existence of a water course. That suggestion occurred to me when Friesman was giving evidence, but when it was put to Friesman himself as a suggestion he very promptly answered it by saying that while the fish were primarily brought there by the overflow from the Grand River, they themselves were seen by him working their way upstream in the so-called water course against its current. He gave that evidence readily, intelligently and (I repeat) in my opinion honestly, and I accept it as the fact. If it is a fact, that one fact alone demonstrates that this was a water course. What other essentials of a water course are found? While small, it is a well defined course. It has banks which are small but none the less banks, both banks at the immediate point of flow and five or seven feet back or either side that Mr. Kyd describe.

I do not propose to labor the evidence, but it does convince me that it meets the requirements of the definition in Beer *v.* Stroud. In the early days there was a continuous supply. It is not essential that it should be continuous and it has not been continuous in later years. To-day it is practically dry on the surface. The water does come from natural sources, but not from a perennial living source. It is not spring waters. It is the result of rainfalls brought by the natural contour of the land to this channel and carried down this channel as a natural result. The flow arises periodically from the rain, which is a natural cause, and by reason of the contour of the land it reaches this small and plainly defined channel. As the learned Chancellor says, "It is thus that a recognized course has been obtained, which is originated and ascertained and perpetuated by the action of the water itself."

There is evidence that the plaintiff has from time to time in the course of the cultivation of his land temporarily obstructed this water course, and having so done he has gone from time to time and cleared the water course of the obstructions so created by him. This is merely incidental to his husbandry and quite within his rights, if I am right in understanding what they are.

I shall deal with the suggestion of one of the witnesses that the water brought down in the way I have described found itself blocked just exactly at the line between the plaintiff's property and the defendant's property, and laid there until it soaked in or evaporated. That witness was obviously excited and perhaps unintentionally (but none the less actually) much more partizan than the defendant himself, and little regard could be paid to his evidence. It would be a very remarkable coincidence if the water were to find itself checked just at that particular place. There is nothing in the contour of the ground to indicate why it should be checked, neither is there anything in the contour of the ground to indicate why there should not be an opening in what we have called the "bank of sod" on either side of the fence. The plaintiff says there was and the defendant says there was not.

On the whole if called upon to choose between the evidence of the plaintiff and that of the defendant, these standing alone, I would prefer to accept the evidence of the plaintiff, who gave his evidence much more frankly than the defendant gave his evidence.

The defendant was careful to say that there never was a drain or water-run kept open by him from east to west across his lot, but at the same time he was also careful to qualify that statement by saying that this was "except when it became necessary to do so." I do not want to say that it was intentionally unfair, but it was practically unfair. As a matter of fact he did cultivate his property and keep the water-run across his property from east to west, and it was absurd to treat it as a mere coincidence that that water-run ends immediately on the other side of the bank of sod just opposite the outlet of the plaintiff's drain. I find as a matter of fact on the evidence that that was maintained to carry off the water which was brought down by what we call the water course across the plaintiff's property. I think originally the water had to angle across from that point of junction down to the road and that it was carried across and down the sideline for the very usual purpose of straightening the field.

There may be other minor details with which I have not dealt, but I have indicated the other features of the evidence which have led me to the conclusion that this water course, while it is a very little one, was a natural outlet for the water, coming within the law as agreed upon by counsel, and that it is a water course which the plaintiff is entitled to have kept open until diverted by some proper legal means.

I am glad to know that it is the intention of the town authorities to at once give the town engineer authority under the Ditches and Water Courses Act (if indeed they have not already done so), and all concerned here are agreed that the unfortunate situation which this judgment might otherwise create can easily be met by proceedings under that Act.

For the time being my duty is to deal with the legal rights between the parties. Having found this to be a natural water course I must find the plaintiff entitled to relief such as that which he asks. I think that the more appropriate relief would be by way of mandamus compelling the removal of the obstruction which has admittedly been placed in the drain.

Damages are not a serious element. The plaintiff puts his damages for the years 1913 and 1914 at $20.50 in the one case and $10 in the other. He also asks a sum running from $15 to $20 for prospective damages for next year. As to this latter claim, a view alone can tell what damage, if any, there may be. We may have an exceptionally dry season, and apart from some doubt which is in my mind as to my power to give prospective damages I would not think it proper to now estimate future damages. The plaintiff no doubt honestly puts his damages at the amounts which I have stated. There has been no criticism of that amount and I cannot see that any good purpose would have been served by taking up time in criticizing such a small amount; neither do I think that it is any function of mine to criticize the amount. I therefore feel bound to award the plaintiff damages in the sum of $30.50.

There being a mandamus, costs, which must of course follow the event, will be on the scale of the county court.

The plaintiff will pay to the Clerk the sum of four dollars for his day's attendance and he will affix the sum of four dollars in stamps to the judgment, these amounts being taxed as a portion of his costs.

(IN THE ONTARIO MUNICIPAL DRAINAGE COURT.)

Between:

ALEXANDER BROWN, *Plaintiff,*

and

THE CORPORATION OF THE TOWNSHIP OF SARNIA AND DONALD MCMILLAN, *Defendants.*

November 17th, 1914.

Before:

George F. Henderson, K.C., Drainage Referee.

John Cowan, Esq., K.C., counsel for plaintiff.
Richard V. Le Seuer, Esq., counsel for defendants.

The petition required by the 3rd section of the Municipal Drainage Act is a statutory condition precedent to the validity of a by-law, where the proceeding is one which under the Act is properly based upon a petition; and in such a case registration and promulgation of the by-law under the Municipal Act cannot justify the taking of proceedings under the by-law.

Where a drain was originally constructed at the joint expense of the municipality and a private owner it cannot properly be said to be a drainage work "out of the general funds of the municipality."

THE REFEREE: In the year 1868 one James Brown was the owner of the west half of lot number four in the fifth concession of the township of Sarnia. It would appear that in that year some difference arose between him and the township council as to the right of the municipality to carry water from its road ditches across his land to an outlet in a stream or creek known as Tait's creek. By an agreement dated 3rd June, 1868, made between him and the municipality provision was made for the digging of a ditch from the concession road across his property to an outlet in Tait's creek. This provided that each of the parties should actually dig one-half of the ditch, the lower half commencing from the creek to be dug by the municipality and the upper half to be dug by Brown. After construction the whole was to be maintained by Brown. The agreement binds not only Brown but his heirs, executors and assigns, and it was registered in the registry office of the county of Lambton in due course, being obviously intended to be an agreement running with the land.

On the 28th October, 1881, a further agreement was entered into between the same James Brown and the municipality providing for the enlargement of this drain, and re-distributing the maintenance so that each party should for the future be bound to maintain one-half of the ditch. Here, again, Brown covenants on behalf of himself, his heirs, executors, administrators and assigns, and the agreement was similarly registered in the proper registry office. This was the position of matters until the year 1910, by which time the ownership of the property had changed, and one Patrick Doyle had taken the place of James Brown. On the 9th of May, 1910, Patrick Doyle appeared before the council with a communication of a somewhat informal character in which he complained that the drain was not in a proper state of repair and asks that it be cleaned out under the "local" Drainage Act. All parties appear to have taken it for granted that the drain was a drain constructed out of the general funds of the municipality and coming within the

scope of the then section 76 of the Municipal Drainage Act, because on that day a resolution was passed agreeing to rescind the Brown agreement, as Doyle asked, and instructing the engineer to make a report for the purpose of complying with the requisition or demand made by the so-called petition. In due course Mr. McCubbin reported, and by-law No. 2D of the township was finally passed on the 23rd January, 1911. This by-law is headed "A by-law for the construction" of the drain, but it recites that notice has been served by Doyle and another stating that the drain is out of repair and requesting the council to cause it to be repaired. I have no doubt that the council intended to act under the provisions of section 78 of the Act.

Promptly after the passing of the by-law under date of January 23rd, 1911, notice of an application to quash was served by the present plaintiff, Alexander Brown, who is the owner of the lot in the next adjoining concession corresponding to the Brown-Doyle lot. He then apparently changed his solicitors, for under date of April 7th, 1911, another firm of solicitors, acting for him, sent a communication to the township council pointing out that in their opinion the by-law was invalid from the beginning and that it would not be necessary to follow up the motion to quash; they stated in plain terms, however, that if anything were attempted to be done under the by-law their client, Alexander Brown, would resist, and that in particular he would resist payment of any assessment assumed to be levied upon lands under the pretended powers of the by-law.

Notwithstanding this notice, the township council thought fit to proceed with the work, which was actually done as a work of repair, and since then assessments have been attempted to be levied upon the lands of Alexander Brown.

This action is precipitated by the seizure of certain of his personal chattels under the authority of the by-law and is for an injunction restraining the enforcement of that distress. Damages are also claimed, but I understand that by some arrangement between the parties the distress was not at the time followed up and that there has been no real damage sustained, so that the matter resolves itself into the plaintiff's right to an injunction. The by-law was duly registered in the registry office for the county of Lambton in the manner as provided by the Municipal Act, and the proceedings to quash never having been followed up must be treated as if it never had been commenced. The by-law was promulgated in the manner as required by the Municipal Act and the Municipal Drainage Act, and Mr. LeSueur contends that the relief now sought for cannot be had until the by-law is quashed or because the by-law has not been quashed. In support of the contention he refers to the decision of the Court of Appeal in Sutherland *v.* Romney, 26 A.R., p. 495. Mr. Cowan, on the other hand, contends that it is not necessary to quash the by-law, since the by-law must be treated as void or unenforceable for such a purpose as that in question in this action, since it has been passed without the petition, which is a statutory condition precedent. This objection is based upon the cases collected in Proctor's book at the foot of page 84, and I think that it is well-founded.

I am not aware of any authority other than the decision of the Court of Appeal in Sutherland *v.* Romney, which differs from the line of authorities collected in the cases upon which Mr. Cowan relies; and while it is true that the judgment of the Supreme Court in Sutherland *v.* Romney does not specifically deal with the question of promulgation and registration, the formal judgment, as directed to be entered, beyond question treats the decision of the Court of Appeal, in so far as the only by-law there declared to be invalid is concerned, as ineffective. The formal judgment, as directed to be entered, declared "that the registration of the said by-

law is ineffectual and void and imposed no lien upon the said lands in respect of the assessments in the said by-law assumed to be imposed." That is exactly the declaration which Mr. Cowan asks me to make in this action, and unless the by-law was properly passed under the provisions of section 78 of the Act he is entitled to that declaration and the consequent relief by way of injunction. See also Anderson *v.* South Vancouver, 45 S.C.R., 425. Section 78 provides that any drainage work constructed out of the general funds of a municipality may be repaired without the ordinary pre-requisite of a petition, on the report of an engineer. This is the section which was relied upon by the defendant municipality in passing the by-law in question; and the matter is thus resolved into the simple question of whether or not the drain, repaired under the provisions of the by-law in question, was or was not a drainage work constructed out of the general funds of this municipality. One half of it was constructed out of the general funds of the municipality and the other half was constructed at the expense of Mr. James Brown.

I have considered the matter very carefully and I have come to the conclusion that this was not a drainage work constructed out of the general funds of the municipality within the meaning of section 78. There is no other ground upon which the jurisdiction to pass the by-law can be based, as there was clearly no petition. Even if there had been a petition the by-law does not purport to have been based upon a petition. I very much regret the result, as I consider that the position taken by the plaintiff is highly technical. He has a complete right to take such a position, however, and it is to his credit that he took it promptly and that the position which he then took is now justified.

The plaintiff is entitled to an injunction as asked for in his statement of claim, with costs. I can give no relief to the township except to direct that the costs may be chargeable against any scheme to place the so-called Brown drain under the provisions of the Municipal Drainage Act, if the township can succeed in obtaining a petition for that purpose. The costs shall be on the scale of the High Court in view of all the circumstances. The plaintiff shall attach four dollars in stamps to the judgment and shall pay the Clerk four dollars for his day's attendance, these sums being taxable as a portion of the costs.

HEALY *v.* ROSS.

(Reported in 7 O.W.N., 246.)

November 17th, 1914.

Middleton, J.

It is not a necessary pre-requisite to the payment of an engineer under the Ditches and Water Courses Act that a prior by-law appointing another party township engineer should be first rescinded.

A father, as the natural guardian of an infant owner, is within the contemplation of subsec. 3 of the interpretation clause, and service of notice upon him binds the infant only, unless some other person has been appointed guardian of the infant only.

It is a condition precedent to the validity of proceedings under the Ditches and Water Courses Act that the water should be taken to a proper and sufficient outlet.

McGillivray *v.* Lochiel, 8 O.L.R., 446, explains. Chapman *v.* McEwen, 6 O.W.R. 164.

Action to restrain the defendants from proceeding with the construction of a drain under an award made by the defendant Fitton pursuant to the Ditches and Water Courses Act, and for a declaration that the award was illegal and made without jurisdiction, and for damages.

This action was tried without a jury at Toronto.

S. S. Sharpe, K.C., for the plaintiffs.

J. M. Ferguson and J. T. Mulcahy, for the defendants.

MIDDLETON, J.: The lands affected by the award are mainly low-lying and swampy lands, in the township of Mara, upon the shores of Lake Simcoe. The elevation of these lands above the lake level is so slight that it is difficult and perhaps impossible to devise a scheme of drainage. Upon the requisition made, the defendant Fitton, an entirely competent engineer and a man of much experience in drainage matters, did his best to solve the difficult problem presented. Other drains had been constructed and these are not at the present time sufficient. The new work directed by the award in question consists in part of a drain through some cleared land adjoining an elm swamp, to take the place of an old drain which passes through the swamp, overgrown and choked, and quite inadequate. The new drain starts from a point on the borders of lot 24, where it leaves the course of the old drain and reaches Lake Simcoe by a route which is deemed preferable, because, in the first place, it is shorter, and, in the next place, it goes through open land where there is less danger of obstruction, the outlet being not far distant from the outlet of the old drain upon the shores of the lake.

The validity of the award is attacked upon three grounds: First, it is said that there is not a sufficient outlet; secondly, that the engineer was not duly appointed; and thirdly, that the award affects the land of one William Johnston, Junior, an infant, who was not duly served with notice of the proceedings.

No attack upon Mr. Fitton's position as township engineer is made upon the pleadings, but it was sought to set it up by way of amendment. I reserved judgment upon the motion for leave to amend until I could ascertain what foundation there was for the attack. I am satisfied that the attack entirely fails, and I think that my discretion ought to be exercised against allowing the amendment sought.

The attack upon Mr. Fitton's appointment is based upon a complete misunderstanding of the situation. By a by-law of the township council, passed in February, 1897, Mr. James Sheridan was appointed township engineer. He was not appointed engineer under the Act in question. The by-law is intituled by-law 268 to appoint township officers for the year 1897, and the appointment is to office "until his successor or successors has or have been duly appointed and qualified or until otherwise relieved by this council." A similar by-law was passed in 1898, to appoint officers for the year 1898; Mr. Patrick Kelly was appointed township engineer. In 1899, a by-law was passed, No. 373, "that C. E. Fitton, P.L.S., be and is hereby appointed engineer under the Ditches and Water Courses Act to perform all the duties required of an engineer by the said Act."

The argument is that Mr. Fitton could not be appointed unless and until the appointment of the previous engineers under the by-laws of 1897 and 1898 had been expressly revoked. I can see nothing in this argument. Mr. Fitton was duly appointed under the Act.

Quite apart from this, Mr. Fitton held office under that by-law until the year 1912, and was certainly the *de facto* engineer of the township, and his actions are not open to question by reason of any possible defect in the mode of his appointment.

Application to amend was also made for the purpose of allowing the award to be attacked upon the ground that an appeal had been made from the award, which the Judge of the County Court ruled was not brought in time. It is said that this ruling was erroneous. If so, possibly proceedings by way of mandamus might have been open to those aggrieved, but it appeared clear to me that this in no way affected the validity of the award. So far as the matter was gone into, it also appeared that the ruling of His Honour was quite correct.

William Johnston, the father, owned lot 25. His son William Johnston, Junior, it is said, is the owner of lot 26. At the time of the award, in 1910, he was 17 or 18 years old. Lot 26 was purchased with the father's money. The deed was taken, it is said, to the son. The deed is not produced, and I do not know whether there is anything on the face of it to indicate that the younger man was intended. It was assumed by all that one man, the father, owned both lots. When the engineer's meeting was called and he was upon the ground, Johnston, Senior, stated that his son owned lot 26. The engineer saw the young man, who was present upon the farm, and told him that it was his (the engineer's) duty to adjourn the meeting so that notice might be given to him (the son); but, as all parties were entirely friendly at this time, Johnston, Junior, acquiesced in the proceedings, and, so far as an infant is capable of doing, waived notice. As he was an infant, I do not think his waiver of notice is effectual. The award cast upon him the duty of maintaining the drain through his land, lot 26. As this is mainly swamp, adjoining the lake, it is possible that it is not fair to put this burden upon him. If the father owned both lots, there would be no unfairness, as far as shown, in calling upon him to maintain the drain across both lots.

Johnston, Junior, now of age, is being utilized by two other dissatisfied owners, Healy and McElroy, for the purpose of assisting them in their attack upon the award.

The statute, R.S.O. 1897, ch. 285, requires notice to be given to every "owner," but by the interpretation clause, subsec. 3, "owner shall mean and include an owner . . . . the guardian of an infant owner . . . ."; and it is now argued that the notice to the father was sufficient, as he was the guardian of his infant son within the meaning of the statute.

I have not been able to find any authority upon this statute dealing with this question; but under the English Partition Act a similar question has arisen. There, a sale might be had instead of a partition upon the request of the guardian of an infant. . . . (Reference to Platt *v.* Platt (1880), 28 W.R. 533; Rimington *v.* Hartley, 1880), 14 ch. D. 630).

I have come to the conclusion that a notice to the father is such a notice as was required by the statute. There could be no guardian *ad litem,* for there is no lis pendens. There could be no guardian appointed by the Surrogate Court without the father's consent. The statute contemplates that any owner desiring to have the drain constructed should be able to proceed under the Act, even if one of the owners affected is an infant; and, therefore, the notice required is to the guardian, by nature, of the person of the infant, unless he should chance to have some other duly appointed guardian.

The guardianship of the father is recognized by our statutes. The Infants Act, R.S.O., 1914, ch. 153, takes the father's guardianship for granted. During the lifetime of the father he may be appointed Surrogate guardian, such father having authority not only over the person but over the estate of the infant. See sec. 32. Under sec. 28, on the death of the father the mother becomes the guardian of the

infant, unless the father has exercised his right of appointing another guardian. The mother or the testamentary guardian appointed by the father would not have any right under sec. 32 over the property of the infant. The statute in question does not require that the person to whom notice was given shall have been constituted guardian of the infant's estate.

The remaining question, that of the sufficiency of the outlet, arises from a misunderstanding of the decision in McGillivray *v.* Township of Lochiel (1904), 8 O.L.R. 446. No doubt the statute contemplates that every drain shall be carried to an adequate and sufficient outlet. What was held in that case was that a sufficient outlet was in one sense a condition precedent to the validity of proceedings under the statute so as to justify the diversion of water when third parties were concerned. Under the colour of a drainage award certain persons had brought water on to the plaintiff's property. He sought an injunction and damages. It was held that no award under the statute could justify the bringing of this water on to the lands in question. All that the statute authorized was the taking of water to a proper outlet, that is, some place where it would not injure the land of others.

The drainage scheme here is the discharge of these waters into Lake Simcoe. Lake Simcoe is undoubtedly a proper outlet, and the water once brought there could injure no one. It is said that to reach Lake Simcoe the ditch would have to be carried across the lands of certain persons without much fall, and at a level little, if any, above the lake level. The argument is, that this last mile of ditch is not a proper outlet; it is not the outlet at all; the outlet is the lake. This mile forms part of the ditch, and the owners of the land which it crosses are parties to the award; and, if any wrong was done to them by the engineer, their remedy was by way of appeal from the award.

The true meaning of the statute is, I think, apparent from the judgment of my brother Britton in the case of Chapman *v.* McEwen (1905), 6 O.W.R. 164. . .

The action fails, and must be dismissed with costs.

REPORT

OF

Sub-Committee on Bill No. 53

REGARDING THE

ANCIENT ORDER OF UNITED WORKMEN OF ONTARIO

PRINTED BY ORDER OF
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REPORT OF SUB-COMMITTEE ON BILL No. 53

To Hon. I. B. Lucas, K.C., M.P.P. (Chairman), and Members of the Standing Committee on Private Bills.

Report of Sub-Committee on Bill No. 53, respecting The Ancient Order of United Workmen in the Province of Ontario.

GENTLEMEN:—Your Sub-Committee, consisting of the undersigned and Messrs. Bowman, Elliott, Irish, Musgrove, McCrea and Sinclair, beg to report as follows:—

1. After due notice to representatives of those respectively supporting and opposing the Bill, we met on Wednesday, the 29th March, when the following interested parties attended:—

In support of the Bill:—

Messrs. J. Lockie Wilson (Grand Master); W. C. Mikel, K.C.; F. G. Inwood; W. H. Hunter, Barrister-at-Law, and A. G. F. Lawrence, Solicitor for the Society.

In opposition to the Bill:—

Messrs. A. C. Graham, 40 Nelson Street, Brantford; Richard D. Boyle, 7 Duke Street, St. Catharines; W. H. Drysdale, 170 Queenston Street, St. Catharines; James Ailles, New Toronto; A. E. Mercer, Islington; D. M. Sanson, Guelph; R. L. Crawford, Weston; J. S. Jamieson, Morrisburg; H. Olleshead, 1199 Dufferin Street; G. B. Jardin, 55 Chicora Avenue.

Mr. W. J. Vale, Deputy Superintendent of Insurance, and Professor M. A. Mackenzie, Consulting Actuary, were also present.

2. From the said representations and from authenticated documents produced to us the following was elicited:—

(*a*) The Order was established in 1879 as a Friendly Society under the then Act of the Province relating to Beneficiary Societies, and for about twenty years pursued the system of collecting assessments of one dollar per member irrespective of age.

(*b*) From 1897 to 1903 a scale graded by five-year age-groups was in use based on age-at-entry of old members.

(*c*) In 1903, realizing that the rates then in force were inadequate, a scale of rates with age-at-entry for re-rating was adopted and continued until 1905.

(*d*) In 1905 it was found that the new rates were still inadequate, even for new members, and the scale at present in force was adopted. It approximates to the scale of rates adopted in 1897 by the Legislature and included in The Ontario Insurance Act as a minimum rate necessary to be levied by new fraternal orders transacting business in Ontario. In applying this rate to the membership of the Order as it existed in 1905 it is evident that the adoption of the rate applicable to the age at entry was a serious mistake in judgment, for while the new rates gave for a time sufficient income to provide a limited reserve and to meet current claims, yet the re-rating failed to give permanence or to provide the reserve demanded by the laws of mortality where a uniform monthly rate of assessment is expected to be maintained. In 1906 (on 2nd April) certain Options, known as Options Nos. 1, 2 and 3, came into operation. A copy of them is attached in the Schedule "A" hereto. Nos. 1 and 2 remained in force till the 20th March, 1913. No. 3 remained in force till 1st April, 1908, when it was superseded by another (see Schedule "B") which was in force from 1st April, 1908, till 20th March, 1913.

(*e*) In 1912 it became evident that a readjustment of a different character was necessary to enable the Order to prolong its life and usefulness because

(1) The membership instead of increasing was decreasing, probably due to a belief that the then basis was not permanent;

(2) The Reserve Fund instead of increasing was being depleted for payment of claims;

and the re-rating of existing members in 1905 at their ages of entry without providing the Reserve called for by such re-rating was seen to be lacking in permanency. Accordingly, in 1912, The Grand Lodge decided by resolution to take the course of "extending the present scale of rates to all members of the Order at their present attained ages provided that the proposed change shall not affect members admitted since 1st May, 1905."

(*f*) As of 1st January, 1912, an actuarial valuation was made upon the basis of 12 assessments per year according to the age-at-entry rates then being paid.

A detailed valuation made in 1912 upon this standard showed that at that time the present value of the insurance, or the fund that would then be required to be invested to carry out these obligations, if no future assessments were payable, was $27,505,000.00, and that if the members paid 12 assessments per year as per the rates then in force that the present value of the assessments was $12,162,000.00, with a Reserve Fund of approximately $1,500,000.00. This valuation was made on the mortality experience of the Order at a rate of 4 per cent. as a working basis, and was of a two-fold nature, namely:—

First: Of the total amount of certificates outstanding as at 1st January, 1912, which amounted to $56,988,000.00 and based on the then rate.

Second: Of the certificates prior to 1st May, 1905, and as if the members holding them were re-rated according to their attained age in 1905.

The results were as follows:—

(*a*) On the basis firstly mentioned:

Dr.

Present value of outstanding Certificates.....	$27,505,000 00

Cr.

Present value of future assessments (then existing rates).....	$12,162,000 00
Reserve Fund.....	1,500,000 00
Deficiency.....	13,843,000 00
	$27,505,000 00

(which showed that the Order should then have had on hand and invested nearly $14,000,000.00 more than it actually had in order to meet its obligations on the basis of 12 assessments per year, which the members were then paying.)

(*b*) On the basis secondly mentioned:

Dr.

Present value of outstanding Certificates.....	$25,983,000 00

Cr.

Present value of future assessments (re-rated)....	$19,016,000 00
Reserve Fund (apportioned for Reserve on new Certificates since 1905).....	1,325,000 00
Deficiency.....	5,642,000 00
	$25,983,000 00

(which showed that even if the members who joined prior to 1st May, 1905, were thereafter re-rated as at their attained ages in 1905 (up to age of 65 years) the funds in hand together with the present value of their future payments, still fell short of balancing the present value of the insurance obligations by over $5,600,000.00, and that assuming the rates to be changed as above, the Order was still short of actuarial solvency by the sum of $5,642,000.00, and that instead of having an invested reserve of $1,325,000.00, the Order should have had, on the new basis of re-rating, an invested Reserve Fund of $6,967,000.00, in order to be on a permanent basis even after assuming what was a very lenient standard for measuring the insurance obligations as upon a valuation by any standard table the deficiency would have been materially larger.)

(*g*) Obviously the cause of the large deficiency was due to the fact that members prior to 1st May, 1905, had not been paying the higher rates that new members paid since that time, demonstrating the seriousness of the error made in 1905 of not re-rating members by attained age.

(*h*) To have corrected that error there should have been assessed against each outstanding certificate what the Order had lost in the meantime on each existing certificate issued prior to 1st May, 1905, which properly speaking would have involved the payment of interest as well as the difference in rates for each assessment from 1st May, 1905, when the change took effect. The Order was also deprived of the difference in rates on the certificates that became claims in the last seven years.

(*i*) Under the conditions stated probably no basis of readjustment could have been devised which would be satisfactory to all classes of members for those who had been many years in the Order would regard it as a hardship to be required to pay the rate at attained age in 1905 apart altogether from the arrears since that date, but such dissenting members were the ones who created the weight of the deficiency for the Order was deprived not only of the difference each month between what would have been the correct rate and what was the actual rate of assessment, but also of the accumulated interest on these differences. Many of the older members were also in impaired health and it would have been a large concession to apply a table of rates, at attained age. in 1905, to such a body of lives. when newly examined lives since 1905 were placed upon the same table. The fact is that the rates paid for many years were really not more than rates for *term* insurance.

(*j*) In 1913 (on 20th March) another Option, called "Option A" (see Schedule "C" hereto) became operative as to beneficiary members of 60 years of age. Shortly stated Option A gave the member of advanced years (without regard to the financial condition of the Society) the option to cease paying into the insurance fund and to receive a paid-up certificate for one-half of the benefit certificate. In its later form the paid-up certificate was for the amount which the member had paid during his entire membership into the insurance fund.

While this Option A. was in force nearly 5,000 of the members availed themselves of its provisions, and at December 31st, 1915, there were 4,213 such certificates in force. calling for the payments out of $2,949,500.00, without any corresponding income to the Insurance Fund.

(*k*) At the Grand Lodge meeting in March, 1915, the employment of an Actuary was once more authorized, and Professor Mackenzie was so employed, and his report and recommendations were presented to the Grand Lodge in March of this year the Grand Lodge by a vote, according to the record of the meeting of 216 Lodges, voted in the affirmative and 19 Lodges voted in the negative, authorizing the executive of the Society to apply to the Legislature for the passage of the Bill now before us.

(*l*) The Executive of the Society was instructed to notify the Lodges whose representatives voted against the proposition of the meeting of this Sub-Committee, and in addition by memorial and by oral representations the opposition has been fully heard by the Sub-Committee. The objections urged are, for the most part, that the representatives who voted in favour of the passage of this Bill were not fully informed of its effect; that it would be in the interests of the Society and all its members to have the matter laid over for another year so that the members in their subordinate lodges might more fully discuss the proposition and vote thereon. Hereto attached (see Schedule "D") is a copy of the notice (dated 12th January, 1916) as published in several issues of "The Canadian Workman," the official organ of the Society. In addition to this notice to the members generally the whole subject appears to have been fully discussed at the last meeting of the Grand Lodge.

(*m*) None of the opponents to the Bill had an alternative proposition to lay before the Sub-Committee with a view to continuing the existence of the Society upon a basis that would be less onerous to the members than the present Bill. A number of those opposed to the Bill frankly declared their preference to the liquidation of the Society rather than the passage of the Bill. So that the matter narrows itself, in the view of your Sub-Committee to whether the Society should be allowed

(1) to re-organize under the terms of this Bill, or

(2) be liquidated if this Bill be reported against.

and we are of opinion that nothing is to be gained by postponing action for a year. The situation would simply get worse, and the reduction of the certificates of members, if action was postponed for another year, would be larger than under the present Bill.

(*n*) The financial position of the Society at the 31st December, 1915, is as set forth in the report of the Actuary (Prof. M. A. Mackenzie) hereto attached as Schedule "E." This report may be briefly summarized as follows:—Members admitted since the present scale of rates was adopted in 1905 number 5,139, having $4,263,500.00 of insurance. Members still paying assessments who were admitted prior to the said date in 1905 and not including the holders of paid-up certificates number 17,321, with $26,996,000.00 of insurance. Holders of paid-up certificates under Option A. number 4,213, with $2,949.500.00 of insurance. To answer these insurance liabilities the Society should have had on hand in assets invested to yield 4 per cent. per annum, at 31st December, 1915, the sum of $8,471,000.00, while it actually had on hand at that date only $830,000.00, showing liabilities of $7,641,000.00 in excess of assets.

(*o*) It is proposed by the Bill under consideration

(1) that the computation shall be made as if the assets of the Society were distributed among all the members of the Society in proportion to what they have paid in to the beneficiary fund after charging the member with the current cost of his insurance during his membership according to The National Fraternal Congress Table of Mortality and 4 per cent. interest;

(2) that the member will continue to pay, if he desires to do so, his present rate of assessment and that his certificate will be reduced to the amount which his present rate of assessment, plus his share of the assets of the Society, will purchase at the rate for his attained age, according to the same Table of Mortality and 4 per cent. interest;

(3) that the member if he chooses to do so can procure, without medical examination, additional insurance to the amount of the difference between such reduced certificate and his present certificate, by paying the rate for attained age for the amount of the additional insurance.

(*p*) The principal obstacle to the Bill, in working the difficulty out on this basis, is presented by the paid-up certificates, for the member having the paid-up certificate would receive, in the majority of cases, but a small proportion of the paid-up certificate as paid up insurance and would again have to resume payments of premium for the difference between such reduced paid-up insurance and the face of his present paid-up certificate.

(*q*) The discussion before us was upon the assumption that if the Society was liquidated the holders of the paid-up certificates should have a prior claim upon all the assets of the Society after matured death claims had been paid, and upon such assumption it was estimated that the 4,213 paid-up certificates would receive approximately forty cents on the dollar for their certificates and that the other 22,460 members of the Society would receive nothing.

(*r*) An examination of The Ontario Insurance Act appears to show that this assumption is unwarranted as by Section 219, ss. 7 of the Act it is provided that all certificates shall be included in the third schedule to the Act except those required to be included in the second schedule. According to the prior clause a paid-up certificate to be included in the second schedule must be the paid-up certificate of an insurance corporation whose contracts are secured by a Government deposit. Inasmuch as this Society has no Government deposit all its certificates unmatured, whether paid-up or not, will be included in the third schedule and the paid-up certificates will rank, *pari passu*, with all the other certificates upon the basis set forth in ss. 7—that is, upon the basis of the aggregate of the contribution by the assured to the insurance fund and this with or without an allowance for interest as the Court may direct. Consequently we are of opinion that the advantage which it was supposed would accrue to the holders of paid-up certificates, in the event of a liquidation, is illusory.

(*s*) The only question is "Shall the Society continue or go into liquidation?" Admittedly it cannot continue without the aid of the Legislature in reducing its policy liabilities. The sole question, therefore, appears to be whether it is in the public interest to exert the plenary power of the Legislature and compulsorily reduce the policy liabilities of the

Society so that upwards of $30,000,000 of unsound insurance shall be converted into, approximately, $20,000,000 of sound insurance. The volume of insurance in Ontario carried in similar fraternal societies runs into hundreds of millions of dollars and if this, which is one of the oldest societies, is compelled to liquidate, the prejudicial effect will probably not be confined to members of this particular Society but will extend in greater or less degree, to all the other Fraternal Societies, and as very many citizens of Ontario have no other life insurance the question is one of great importance.

(*t*) Appended hereto as Schedules "F" and "G" are the opinion of Sir Allen Aylesworth and a certificate from Prof. Mackenzie, respectively.

(*u*) After hearing and carefully considering all that was urged in opposition to the Bill, your sub-committee is of opinion:—

1. That with the addition of the following as Sections 6*a* and 6*b*, the Bill should be reported upon favourably:—

Section 6a.

An actuarial valuation shall be made at the expense of the Society by an Actuary approved of by the Registrar of Friendly Societies of all the certificates of the Order subsisting on the 31st day of December, 1918, and every three years thereafter, and any surplus of assets over liabilities found to exist at any of the said triennial valuations shall be used to increase, *pro rata*, the amount of benefit payable under any then subsisting certificate as reduced by this Act until there remains no surviving certificate that has been issued prior to the 1st day of July, 1916, which has not in this way been restored to an amount equal to that at which it stood on the 30th day of June, 1916.

2. *Section 6b.*

In all cases where the amount of benefit payable by the Society has been reduced below the amount payable as at the 30th day of June, 1916, in accordance with the provisions of Section 5 of this Act, the certificate for the reduced amount issued under this Act shall contain an option to the member to be exercised during his or her lifetime by which the beneficiary or beneficiaries may receive, by equal annual instalments spread over any period up to ten years a larger amount than is provided for in the said certificate, the increase in the amount being the value of interest at 5 per cent. per annum upon all such deferred instalments.

All of which is respectfully submitted.

Toronto, 18th April, 1916.

WM. DAVID MCPHERSON,
Chairman, Sub-committee.

Approved.
J. C. ELLIOTT.
C. W. BOWMAN.
A. H. MUSGROVE.
MARK H. IRISH.
V. A. SINCLAIR.
CHAS. MCCREA.

SCHEDULE "A."

Option No. 1.

In effect April 2nd, 1906, to March 20th, 1913.

Any Beneficiary member of the Order, upon reaching the age of seventy years and in good standing, or any present Beneficiary member of the Order having reached the age of seventy years or upwards desiring to sever his or her connection with the Order, may have the option of releasing and surrendering his or her Beneficiary Certificate for a cash surrender value, not to exceed one-half of the aggregate amount that such member has paid into the Beneficiary Fund as assessments upon making application as hereafter provided.

Option No. 2.

In effect April 2nd, 1906, to March 20th, 1913.

Any Beneficiary member of the Order upon reaching the age of seventy years and in good standing, or any present Beneficiary member of the Order having already reached the age of seventy years or upwards, may have the option of exchanging his or her Beneficiary Certificate for a Beneficiary Certificate for one-half of the amount of the original Beneficiary Certificate, and one-fourth in cash of the aggregate amount of assessments paid into the Beneficiary Fund, said member to continue to pay assessments during life upon the remainder, upon making application as hereafter provided.

Option No. 3.

Granting a new Beneficiary Certificate for 40 per cent. of the amount of the surrendered Beneficiary Certificate. In effect from April 2nd, 1906, to April 1st, 1908.

Any Beneficiary member of the Order upon reaching the age of seventy years and in good standing, or any present Beneficiary member of the Order, having already reached the age of seventy years and upwards and in good standing, may have the option of releasing and surrendering his or her Beneficiary Certificate, and having issued to him or her in lieu thereof a new Beneficiary Certificate for forty per cent. of the amount of the original Beneficiary Certificate, and be relieved from further payments of assessments to the Beneficiary Fund from date of such surrender.

Any member desiring to avail himself or herself of any of the aforesaid options shall make application therefor upon such forms as may be provided for said purpose, and deliver the same to the Recorder of his or her Lodge, who shall forward it to the Grand Recorder. Upon receipt thereof by the Grand Recorder, he shall refer the said application to the Finance Committee, and upon the said Committee approving the same, the option applied for shall be granted to the member. The proper amount of the surrender value shall thereupon be paid to the member in the same manner as is provided for payment of other claims upon the Beneficiary Fund, and a new Beneficiary Certificate when required shall be issued.

In the case of Certificates issued in respect of Option No. 3, the new Certificate shall be conditioned to pay upon the death of the member to the Beneficiary or Beneficiaries designated by the member forty per cent. of the amount of the surrendered Certificate, providing the member shall hereafter, during his lifetime, comply in every particular, with all the laws, rules and regulations of the Order, other than the payment of assessments for the Beneficiary or Reserve Fund.

SCHEDULE "B."

Option No. 3.

Granting a new Beneficiary Certificate for fifty per cent. of the amount of the surrendered Beneficiary Certificate, in effect from April 1st, 1908, to March 20th, 1913.

Any Beneficiary member of the Order upon reaching the age of seventy years and in good standing, or any present Beneficiary member of the Order, having already reached the age of seventy years and upwards and in good standing, may have the option of releasing and surrendering his or her Beneficiary Certificate, and having issued to him or her in lieu thereof a new Beneficiary Certificate for fifty per cent. of the amount of the Original Beneficiary Certificate, and be relieved from further payments of assessments to the Beneficiary Fund from date of such surrender.

Any member desiring to avail himself or herself of any of the aforesaid options shall make application therefor upon such forms as may be provided for said purpose, and deliver the same to the Recorder of his or her Lodge, who shall forward it to the Grand Recorder. Upon receipt thereof by the Grand Recorder, he shall refer the said application to the Finance Committee, and upon the said Committee approving of the same, the option applied for shall be granted to the member. The proper amount of the surrender value shall thereupon be paid to the member in the same manner as is provided for payment of other claims upon the Beneficiary Fund, and a new Beneficiary Certificate when required shall be issued.

In the case of Certificate issued in respect of Option No. 3, the new Certificate shall be conditioned to pay upon the death of the member to the Beneficiary or Beneficiaries designated by the member fifty per cent. of the amount of the surrendered Certificate, providing the member shall hereafter, during his lifetime, comply in every particular, with all the laws, rules and regulations of the Order, other than the payment of assessments for the Beneficiary or Reserve Fund.

SCHEDULE "C."

Option A.

In effect from March 20th, 1913, to March 17th, 1915.

Any Beneficiary member of the Order upon reaching the age of sixty years and in good standing, or any present Beneficiary member of the Order having already reached the age of sixty years and upwards and in good standing, may have the option of releasing and surrendering his or her Beneficiary Certificate and having issued to him or her in lieu thereof a new Beneficiary Certificate for an

amount equal to the assessments paid in to the Beneficiary Fund by him, or her and be relieved from further payments of assessments to the Beneficiary Fund from date of such surrender.

Any member desiring to avail himself or herself of the aforesaid option shall make application therefor upon a form provided for said purpose, and deliver the same to the Recorder of his or her Lodge, who shall forward it to the Grand Recorder. Upon receipt thereof by the Grand Recorder he shall refer the said application to the Finance Committee, and upon the said Committee approving of the same the option applied for shall be granted to the member, and a new certificate shall be issued. The new certificate shall be conditioned to pay upon the death of the member to the Beneficiary or Beneficiaries designated by the member, providing the member shall hereafter during his lifetime comply in every particular with all the laws, rules and regulations of the Order other than the payment of assessments for the Beneficiary or Reserve Fund.

SCHEDULE "D."

Application to Parliament.

Notice is hereby given that an application will be made to the Legislative Assembly of the Province of Ontario at the next session thereof by the Ancient Order of United Workmen of the Province of Ontario for an act authorizing and empowering the applicant:

Firstly: To apportion its beneficiary and reserve funds amongst its beneficiary certificate holders; the share of the fund allotted to each to depend upon the age at which the member entered the order, the assessments such member has paid in respect of any beneficiary certificate issued to such member by the said Order and the amount of said beneficiary certificate, and the duration of membership.

Secondly: To cancel the present beneficiary certificate of every member, including all paid up or option beneficiary certificates heretofore issued, and in lieu thereof to issue a new certificate for such an amount as can be provided for by the member's share of the said beneficiary and reserve funds, together with the future assessments payable by the member in respect of the new beneficiary certificate.

Thirdly: The above apportionment and readjustment of claims and certificates to be made on the basis of the tables commonly known as the National Fraternal Congress Mortality Tables and four per cent. interest, and all certificates issued either to present or new members to be issued on the same basis of mortality and interest.

A. G. F. Lawrence,

Solicitor for Applicant.

SCHEDULE "E."

TORONTO, April 11th, 1916.

The Hon. W. D. McPherson, 16 King St. West, Toronto.

DEAR MR. MCPHERSON:—Since the conversation I have had with you and with Mr. Sinclair I have given a great deal of consideration to the affairs of the A.O.U.W., and with your permission would like to submit my views in writing.

All the thought and effort that we have all spent upon this matter have had two proper objects:

1. To save the Order and leave it upon a sound actuarial basis.

2. To do justice as between the members.

The Bill as it stands will secure both these objects; but there is a feeling that the Legislature might give greater play to the fraternal spirit by allowing extra benefits to the older members at the expense of the younger men. In particular it has been suggested that the Option certificates upon which no further assessments are payable have a prior claim, and it is even proposed that cash surrender values be granted in lieu of the reduced certificates contemplated by the Bill.

It is true that the Option certificates are contracts, but so are all the other certificates, the only difference being that in the one case the contract is conditional upon the payment of only lodge dues and organization tax, while in the other cases the payment of assessments is also stipulated. When I was first consulted by the Order I asked whether these Option Certificates had any legal standing and the opinion of Sir Allen Aylesworth was taken. Sir Allen says definitely "that the issuing of the Option certificates was beyond the corporate power of this Order." and further that they constitute "no legally enforceable obligation against the Order." On an actuarial basis there are some of these men who have a real claim against the Order; that claim is recognized by the Bill. On the other hand the majority have no real claim. Many of them actually owe money to the Order—that is to say they have had more protection than they have paid for. It is to be remembered also that the men who took paid up certificates are regarded as deserters by the larger number of old men who could have taken this option and did not do so. The present unfortunate position of the Order is due to the inadequate rates paid by the old members in the past and the refusal of those who claimed the Option certificates to accept the advanced rates adopted by other members in 1905.

The suggestion of cash surrender values I regard as both unsound and impracticable. It has not been asked for, so far as I know, by any member of the Order or suggested by any opponent of the Bill. It is directly opposed to all good fraternal order practice. It emphasizes the idea of investment which should be quite a secondary idea in fraternal insurance. The root idea of fraternal insurance is protection, not investment. At the present time it is also dangerous. Many fraternal orders are now, or will shortly be, face to face with the need of reorganization on sound lines. If this idea of cash surrender values once gets abroad among the members as an idea that emanated from the Government, there will be strong pressure brought to bear in connection with other Societies as they come before the Legislature, and claims for this concession granted in one case will be hard to refuse to others. But if cash surrender values are to be granted in these

reorganizations we may say "good-bye" to fraternal insurance in Ontario. Unless the orders are nursed and protected during the next few years while the reorganizations are taking place, there will be wholesale desertion on the part of young and healthy lives tempted by surrender values. These desertions will react to prevent the orders from obtaining fresh lives and the inevitable result will be liquidation for one order after another to the widespread distress of many thousands of families and to the benefit of no one but the old line companies.

The Bill as presented has been asked for by an overwhelming majority of the delegates at the past Grand Lodge. If the principles be altered, would it not be necessary to refer the amended Bill back to the next Grand Lodge? If that were to be the case the situation would be hopeless because the patient would die upon the operating table! The $830,000.00 that existed on the 31st of December last has now fallen to below $750,000.00 by death claims from old members and by desertion on the part of younger members. Every friend of fraternal insurance in Ontario must dread the liquidation of so old an order as the A.O.U.W. That would be regarded as "the writing on the wall" by those members of all the other orders who could get insurance elsewhere.

May I suggest that your committee recommend the inclusion of a clause in the Bill providing for an actuarial valuation every three years and stipulating that any surplus found to exist at any such valuation be used to increase the policies that are now reduced until there is no surviving policy that has not been restored to its original figure. Such a provision was adopted by the Independent Order of Foresters who readjusted their contracts along the lines of the proposed Bill, and it has resulted to the very material advantage of the reduced certificate holders. That I think, is a very great concession and is most generous treatment to men who have brought all this trouble upon their younger brethren. I am also adopting your suggestion in regard to spreading payments over a period of years, but this must be an individual option offered in each case. To illustrate it, a policy of $1,000.00 reduced to $909.00 could be restored to $1,000.00 payable in five annual instalments, while a policy of $1,000.000 reduced to $811.00 could be restored to $1,000.00 payable in ten annual instalments. If your committee feel that still more consideration is due to those who hold Option certificates I would suggest, though I do not recommend, that as the policies of these men form six per cent. of the total policies in force we might set apart six per cent. of the funds on hand to their special use. That would prevent any of them from being wiped out altogether. I feel that if more than this should be granted to the holders of option certificates, the great body of members who approve the Bill as it stands would regard themselves as having been subjected by the Legislature to a scheme of reorganization to which they had not given their consent.

I shall be glad to see you at any time and discuss this matter further if you care to do so.

Faithfully yours,

(Sgd.) M. A. Mackenzie.

SCHEDULE "F."

TORONTO, 26th October, 1914.

Messrs. Lawrence and Dunbar, Barristers, etc., Sun Life Building, Toronto.

DEAR SIRS:—The Association known as "The Ancient Order of United Workmen" was incorporated on 14th August, 1879, under the provisions of Chapter 167 of the Rev. Stat. Ont. (1877) an Act respecting Benevolent, Provident and other Societies. The declaration of incorporation states the purpose of the Society to be the providing a Fund out of which beneficiaries designated by the Society's members may be paid upon the death of the member benefits to the amount of $2,000.00, and it is in terms declared "That the Beneficiary Fund is sustained by an assessment levied upon each member of the Society as often as requisite."

For some years a provision has existed in the laws of the Order that any member on reaching the age of sixty years might, if he pleased, surrender his beneficiary certificate and receive instead a new certificate for an amount equal to the assessments paid in to the Fund by such member and be relieved from further payments of assessments to the Fund from the date of such surrender, and a considerable number of such "option certificates" have been issued and are now outstanding.

My opinion is asked whether the issuing of such "option certificates," and the provision for their issue contained in the laws of the Order was within the corporate power of the Society.

The powers of any incorporated Association or Company are, of course, to be found in the instrument by which incorporation is effected, and in this instance the declaration filed with the Provincial Registrar pursuant to the provisions of the Statute is such instrument. It states the purpose for which incorporation is asked, and on being certified by a Judge as in conformity with the Statute and filed as required by the Statute it became, practically, the Society's Charter of Incorporation. The Society upon incorporation became invested, as a corporate body, with power to carry into effect the objects specified in its declaration of incorporation and with all powers reasonably incidental thereto, or consequential thereupon, but was limited to such powers and could not lawfully go beyond them.

The purpose of incorporation stated in the present case shows, in substance, the intention to form a life insurance association on the assessment system, or plan of mutual insurance. The beneficiary fund, it is stated, is to be sustained by an assessment levied as often as requisite "upon each member of the Society." The very essence of insurance on the mutual system is that all losses are to be borne and paid by assessments to be levied rateably upon all members insured, and I cannot doubt therefore that any attempt by this Association to insure the lives of its members, or any of them, upon any footing, would be beyond the power of the Society and unlawful.

The effect of making with any member an arrangement relieving him from payment of any further assessments in consideration of his accepting insurance for a reduced amount is, in substance, the issue to him of a paid-up or non-assessable policy. The circumstance that it is for a reduced amount cannot make any difference in the principle involved. The arrangement might, if the amount of the new paid-up policy was a small enough fraction of the original insurance, be in some instances to the advantage of the Society, though the effect must necessarily

be to lessen the number of Contributories to the Fund, and therefore to increase by so much the burden on each remaining individual contributor. But it is not a question of whether the transaction is or is not of advantage to the Association. It is purely a question whether or not the Association has power to enter into it. Here the sole object of incorporation was the establishing of a Beneficiary Fund, which should be sustained by assessments to be "levied upon each member," and in these circumstances any bargain or arrangement with an individual member to relieve him from the payments of any further assessments must, in my opinion, necessarily be beyond the powers of the Association.

And if this is so, it does not in the least signify that Grand Lodge—or the majority of the members of the Order may have authorized or resolved to enter into these transactions, or confirmed or attempted to ratify them. The authorities are distinct that even the unanimous consent of all the members of a Company cannot invest the Company with any power not given to the Company by its constitution or ratify as the act of the Company that which the Company has no power to do.

I observe that the declaration of incorporation refers to a "copy of the Constitution of the Society," said to be annexed to it. I have not seen this copy of the Constitution as it existed in 1879, and do not know whether or not there appeared in it any provision permitting members on attaining some stated age to be relieved from payment of any further assessments on accepting insurance for a reduced amount, but even though this may be so the powers of the Association must, I think, be looked for in the declaration of incorporation. The "Constitution of the Society" which was annexed is something in the nature of by-laws or articles of agreement made by the members for regulating the method of doing business which the Society will follow. If there were doubt as to the meaning of words used in the declaration or incorporation it might be that the contemporaneous "Constitution" could be looked at for the purpose of clearing up any such doubt, but any such rule or construction, if it exists, is a rule to be applied with great caution.

The declaration contains the fundamental conditions on which alone the Association has received its incorporation, and certainly for anything which the Statute says shall appear in the declaration itself, and it alone must be looked at.

Here the Statute, Rev. Stat. Ont., 1877, c. 167, required that the "purpose of the Society" should be set forth in the declaration. Such purpose is there stated, and I am not able to see any reasonable doubt as to the meaning of the words used in so stating that purpose.

I am therefore of opinion that the issuing of Option Certificates above described is and always was beyond the corporate power of this Order.

If so the contract, which, by the issue of any such certificates, the Order purported to enter into with the member to whom it was issued, or with the beneficiaries therein designated, is simply void and of no effect. Compliance with any such void contract could not be enforced against the Order by any legal proceedings based upon it, and the Order could be restrained by an injunction from complying with any such void or illegal contract, or from attempting in the future to enter into similar contracts or arrangements with any of its members.

In regard to the course which Grand Lodge ought to take in the premises I am scarcely in a position to offer advice though you ask it. That is a question rather for the consideration of Grand Lodge itself, and of Grand Lodge alone.

I certainly think that no more such option certificates should be issued, and that the provision now appearing in the laws of the Order for the issue of such Option Certificates should be altogether repealed, at the earliest date practicable.

But with regard to all such certificates now outstanding, Grand Lodge will no doubt take such action as to it, in its wisdom, will seem right and just.

These outstanding certificates constitute, in my opinion, no legally enforceable obligation against the Order, but Grand Lodge may feel unwilling to take that position with any holder of such a certificate or with his designated beneficiaries.

It may be thought preferable to offer to each holder of any such certificate reinstatement in his original position and the restoration of his original Beneficiary Certificate on payment by the member now of all arrears of assessments, or it may be possible to arrange some other scheme of adjustment which would appear equitable in the circumstances—and, if any such arrangement can be made by practically unanimous or by, at any rate, general consent, it may be that no assistance from the Legislature in the way of special legislation will be needed, but I incline to anticipate that special legislation will be requisite before the difficulty will be finally got rid of, and, in any event, if it can be obtained, it will probably be found to be desirable.

So far as the power of Grand Lodge to take action in the premises is concerned I can only say that, in my opinion, all these Option Certificates now outstanding and unpaid are, as a matter of law, not binding upon the Order, or enforceable against it, and Grand Lodge is therefore in a position to deal with the holders of such certificates as it may consider right and just, requiring from them compliance with whatever conditions as to payment of past assessments, or otherwise, it may consider to be equitable as a condition precedent to issuing now to such holders new certificates—that is to say, entering into with them new contracts of insurance which will have legal validity.

Yours faithfully,

A. B. Aylesworth.

SCHEDULE "G."

Toronto, April 15th, 1916.

W. D. McPherson, Esq., K.C., 16 King St. West, Toronto.

Dear Mr. McPherson:—In reference to the Bill now before the Legislature concerning the proposed reorganization of the fraternal society known as "The Ancient Order of United Workmen," I hereby certify that, after the certificates have been adjusted in accordance with the provisions of that Bill including the amending Clauses 6A and 6B, as approved and initialed by me, the Order will be upon a sound financial basis and permanently solvent so long as the provisions of the aforesaid Bill and the principles outlined therein are not departed from by the executive officers of the society.

Faithfully yours,

(Sgd.) M. A. Mackenzie.